

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME III
7

8
9 DENA'INA Civic & Convention Center
10 ANCHORAGE, ALASKA
11

12 January 23, 2015
13 8:30 o'clock a.m.
14

15 MEMBERS PRESENT:

- 16
17 Tim Towarak, Chairman
18 Charles Brower
19 Anthony Christianson
20 Bud Cribley, Bureau of Land Management
21 Trevor Fox, U.S. Fish and Wildlife Service
22 Joel Hard, National Park Service
23 Keith Kahklen, Bureau of Indian Affairs
24 Beth Pendleton, U.S. Forest Service
25
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27
28 Ken Lord, Solicitor's Office
29 Dawn Collinsworth, USDA Office of General Counsel
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P R O C E E D I N G S

(Anchorage, Alaska - 1/23/2015)

(On record)

CHAIRMAN TOWARAK: Good morning. I'd like to call this meeting back to order.

(Pause)

CHAIRMAN TOWARAK: We are down to Section 8 on our agenda, the briefing to the Board. After that we discuss a schedule of our future subsistence Board meetings and any other business and then we adjourn. I would assume that we will be done close to noon or thereabouts today.

As is typical with every Board meeting we start every new day with a public comment period on non-agenda items so that's available for anyone that would like to address the Board on any non-agenda items.

(No comments)

CHAIRMAN TOWARAK: If there aren't any interested in the non-agenda items the next item is the public comment period on consensus agenda items. Those were all passed yesterday so that's all part of our record now.

We will then turn the rest of the meeting over to the Staff, Gene, with -- to go through the briefings of the Board.

MR. PELTOLA: Thank you, Mr. Chair. First off we'll start -- the first briefing this morning will be on rural/non-rural determination process and give the RAC Chairs and Board members an update. Theo, if you could introduce yourself please.

MR. MATUSKOWITZ: Mr. Chair. Members of the Board. I'm Theo Matuskowitz, Fish and Wildlife Service, Office of Subsistence Management. And I'm the regulation specialist.

The current status on our rulemaking for the rural determination process. A little bit of background on 15 August you sent a letter to the

1 Secretaries with your recommendation on changes to the
2 process of rural determinations. The Secretaries
3 responded to you on the 24th of November and on
4 December 12th we submitted the proposed rule to
5 Washington for final review and publication. That
6 proposed rule was approved on January 12th. After that
7 the Solicitor's Office in Washington pulled the rule
8 back and wanted to have additional review of that rule.
9 We were notified yesterday that that review was
10 complete and it was taken to the Secretary and she
11 signed it yesterday. And it has been delivered by
12 courier to the Office of the Federal Register. So the
13 Federal Register will review the document on Monday or
14 Tuesday of next week and it will be open for public
15 review via the internet and the day following public
16 review it will be published.

17

18 So we'll have the news release sent
19 out. It's already on the agenda of all the Councils
20 for discussion and for them to make recommendations to
21 you in the next cycle of Council meetings.

22

23 The deadline for all comments will be
24 April 1st. We anticipate we will need three weeks to
25 conduct the analysis on the comments. We will have,
26 probably two weeks for review internally and with the
27 Staff Committee, and then we will need for you to meet
28 and have Staff present you with the analysis from all
29 the comments that we've received. And then it will be
30 up to you to decide if you want to go in the direction
31 of what the analysis points to or go in a different
32 direction. And then, depending on your guidance, we
33 will draft a final rule and go through the same process
34 to get that approved and send that off to publication.

35

36 So that's basically where we stand
37 right now.

38

39 We're looking at possibly having the
40 final rule done by mid-to late summer, depending, of
41 course, on your decisions and when you plan on meeting
42 to make your decision for the final rule.

43

44 Are there any questions.

45

46 CHAIRMAN TOWARAK: Any questions from
47 the Board.

48

49 (No comments)

50

1 CHAIRMAN TOWARAK: The looming deadline
2 is -- when is that?

3
4 MR. MATUSKOWITZ: That's 2017, May.

5
6 CHAIRMAN TOWARAK: Okay. Any further
7 questions.

8
9 (No comments)

10
11 CHAIRMAN TOWARAK: Thank you, Theo, for
12 your report.

13
14 MR. MATUSKOWITZ: Thank you.

15
16 CHAIRMAN TOWARAK: Next Gene.

17
18 MR. PELTOLA: Thank you, Theo. Next up
19 we have an update on the FRMP, Fisheries Resource
20 Monitoring Program. We have Stewart. Stewart, if you
21 can introduce yourself please and proceed.

22
23 MR. COGSWELL: Mr. Chairman. Members
24 of the Board. Council representatives. For the record
25 my name is Stewart Cogswell. I'm the Fisheries
26 Division Chief for the Office of Subsistence
27 Management. And since this is my first Board meeting
28 I'd just like to tell you a little bit about myself.

29
30 I have spent the last 23 years in Green
31 Bay, Wisconsin working for the US Fish and Wildlife
32 Service. I've been actively involved with a lot of
33 tribal issues working with building capacity and
34 furthering management capacity of the tribes in the
35 Great Lakes region. I've also spent a lot of time on
36 the stream doing a lot of stream restoration and
37 modeling activities, prioritization models and to
38 determine what type of projects that are more
39 biologically beneficial and limited funding capacity.
40 I've also been involved with a lot of national and
41 regional funding programs, helped developed them and
42 done everything from writing grants to managing the
43 program.

44
45 So, all right, on to the Fisheries
46 Resource Monitoring Program. This is a funding program
47 administered by the Office of Subsistence Management.
48 It's a program to answer subsistence related questions.
49 The purpose of the program is to merge traditional
50 knowledge with current science to answer management or

1 regulatory subsistence questions.

2

3 So there's two types of projects.

4

5 One is status, stocks and trends.
6 These are typical fish related projects, like stock
7 assessment and population estimates. And there's
8 another category called the harvest monitoring and
9 traditional ecological knowledge. This is
10 anthropological or social science-type projects. And
11 an example would be how regulations affect subsistence
12 use.

13

14 So the size of the program. It's
15 between 4 and \$5 million on a two year cycle and we
16 fund approximately up to 45 projects per year. We do
17 this through cooperative agreements and we will help
18 and assist you with those projects. And how we
19 advertise that is through a notice of funding
20 availability. This notice went out on, I think,
21 December 18th, and it closes on March 11th. We sent
22 out, I think, roughly 500 postcards and emails to all
23 across Alaska notifying people that this funding
24 availability is open right now, and, again, it closes
25 on March 11th.

26

27 Being new to the Program, I'd like to
28 do a little bit of reviewing and the office, in
29 general, wants to review the whole process so we want
30 to make sure that the Program -- do an internal review
31 and make sure the Program is meeting the goals that
32 were initially set forth. We want to look at the
33 process itself. Is it -- how simple is it, is it easy,
34 and just look at all the different variables that make
35 up the Program. And we also want it to be transparent
36 so people can see actually how the process is working.

37

38 So that's sort of the update.

39

40 I also want to, for the Fisheries
41 Resource Monitoring Program, I also want to just do a
42 little plug for the Partners Program. Everyone has one
43 of these brochures and we are able, through the
44 Partners Program, to fund positions in the villages and
45 out in the field. And the notice for that is going to
46 be going out, we'll be accepting applications sometime
47 in March.

48

49 So with that I will be available at
50 break or after the meeting to answer any questions

1 about the FRMP, the Fisheries Resource Monitoring
2 Program or the Partners Program, so I'll be available
3 after the meeting.

4

5 That's all I had, Mr. Chair.

6

7 CHAIRMAN TOWARAK: Thank you. Are
8 there any questions of Stewart.

9

10 (No comments)

11

12 CHAIRMAN TOWARAK: Thank you for your
13 presentation. The next, Gene.

14

15 MR. PELTOLA: Okay, Mr. Chair. Next we
16 have Kuskokwim Fishery Committee update and I'll be
17 addressing that.

18

19 Some of you may recall that during the
20 most recent AFN Convention held here in Anchorage
21 Deputy Secretary of the Interior Mike Connor made the
22 announcement that the Federal Program would be looking
23 at a demonstration project to work with tribal entities
24 to address fisheries or salmon issues on the Kuskokwim.
25 The key there is that when he made the announcement he
26 said, administrative means. If we look at what we have
27 available to the Program, basically that's Section
28 .805, and a committee structure as established by the
29 Federal Subsistence Board is the only way we can
30 address an entity such as what was proposed.

31

32 A little background. Prior to AFN, is
33 that, I think you all may be aware that here, within
34 the state, basically from the Kuskokwim region and then
35 from the Yukon region there has been an interest by
36 tribal entities to establish inter-tribal fisheries
37 commissions. These have been in discussion for about
38 the last year and a half or so. So back to more
39 current times. With the direction received, or the
40 guidance received from the Interior, about two to two
41 and a half months ago I met with representatives from
42 Tanana Chiefs Conference, Association of Village
43 Council Presidents, some individuals and some of their
44 legal counsel and I, nor OSM nor the Federal Program
45 made any judgment calls about what they had proposed to
46 do with inter-tribal fisheries commission but spoke to
47 the direction we received from the Interior about
48 administratively working on the project. And I
49 presented to this group -- I walked into the room and I
50 expected to see four or five people there and there was

1 probably about 30 to 40 people and six legal counsel so
2 it was kind of surprising. I met with them for two and
3 a half to three hours.

4
5 So I said, here's what w may be able to
6 provide legally. I know this is what you want. If we
7 could try to mesh the two together and accomplish the
8 task that we have been given about coming up with an
9 administrative mechanism, I think the better off we'll
10 be.

11
12 Here within the last day, day and a
13 half or so, I believe I received an email from legal
14 counsel, which has been retained by TCC and AVCP on
15 what they would like to see potentially down the road.
16 I have to review that and talk with Ken in the
17 Solicitor's Office and see what we may be able to
18 accommodate or not.

19
20 Has there been overall commitment to
21 create something, yes and no. There isn't an affirm we
22 will do this, but the direction to try to find an
23 administrative means to address concerns of local
24 individuals and Alaska Native organizations. We are
25 working towards that means.

26
27 So what would an .805 committee look
28 like. Potentially it could look like something similar
29 to a Regional Advisory Council. It is established via
30 a Federal Subsistence Board action, that Section .805,
31 which says the Board can appoint committees to address
32 specific management concerns. It could potentially
33 have a -- how would you say -- diverse membership. If
34 you're looking at one particular drainage, for example,
35 the Kuskokwim, you could break it up by segments of the
36 river, you know, lower, middle, upper, there's
37 different management concerns in each section and come
38 up with a membership that way. There's nothing cast in
39 stone. We're still in the discussion phase. And as I
40 mentioned there's a lot of steps that we have to take
41 within the Program before we get to the point where we
42 have to address the Board and see if they would endorse
43 such a structure.

44
45 And that's where we are with the
46 Kuskokwim fisheries committees -- potential committee.

47
48 I could try to address any questions
49 you may have, any of the Board members, or RAC Chairs
50 may have.

1 Mr. Chair.

2

3 CHAIRMAN TOWARAK: Gene. In general is
4 part of the process developing the prototype that would
5 be applicable in other parts of the state if there's a
6 process developed.

7

8 MR. PELTOLA: That's a good question,
9 Mr. Chair. If I go back to the announcement made at
10 AFN by the Interior specific to the Kuskokwim. There
11 has been interest to -- if we are successful or
12 parallel to the upper on the Kuskokwim to have a
13 similar effort on the Yukon, I have not addressed the
14 Yukon per se, because we are acting -- the Program is
15 acting upon the direction of the -- at the request of
16 the Interior to address the Kuskokwim.

17

18 If you look at recent fisheries
19 management history, so to speak, in the last couple
20 years, what happens in one drainage seems to be
21 followed by a request in another. With that being
22 said, if something is established on the Kuskokwim, and
23 I'm not speaking on behalf of rural residents or Alaska
24 Native organizations, but I think one could reasonably
25 expect that if something is committed for the Kusko,
26 there may be requests in other areas.

27

28 CHAIRMAN TOWARAK: Any further
29 questions.

30

31 (No comments)

32

33 CHAIRMAN TOWARAK: Okay, then
34 we'll.....

35

36 OPERATOR: There are no questions in
37 the cue at this time.

38

39 MS. YUHAS: Thank you, Gene, th.....

40

41 CHAIRMAN TOWARAK: Jennifer, did you
42 have a question.

43

44 MS. YUHAS: Thank you, Gene. Thanks
45 for keeping us updated along the way with that.

46

47 The only question I had is I know that
48 you don't have the mechanics worked out, but how do you
49 see if the committee is treated as a RAC in some
50 fashion, how does that impact, add to, or detract from

1 the RAC voice, if it's in the same region you would
2 expect, you know, maybe the same voice, but how would
3 the -- how would the me -- you know what I'm trying to
4 ask, I think.

5
6 MR. PELTOLA: Yeah, that is a good
7 question. If you look at the verbiage in .805 it says
8 established by the Board for specific management
9 scenario situations or concerns.

10
11 With that being said, one could address
12 this as, if an .805 committee is established, it -- and
13 I'm not making any commitments whatsoever, but one
14 could envision something along the lines of a committee
15 may be established and deal with, say, in-season
16 management decisions, a more specific concerns.
17 Whereas the Regional Advisory Council would still
18 retain the -- may still retain, you know, comment
19 about, you know, programmatic regulation aspects and
20 other things. And anybody that knows anything about
21 fish knows is that it's a dynamic changing world and it
22 changes multiple times per day. With that being said
23 is that a committee structure similar to what is
24 established in other area, say like the Kuskokwim
25 Salmon Management Working Group, it may potentially
26 serve in a similar function.

27
28 The big thing about a committee under
29 .805 structure is that it could be FACA and APA
30 compliant so, therefore, it would be legally utilized
31 in an advisory capacity by the Federal Program, which
32 some of the other quote/unquote advisory committees we
33 have established throughout the state, where we have
34 relied on those in an advisory capacity do not carry
35 that FACA nor APA compliance and it becomes a challenge
36 for the Program at times.

37
38 CHAIRMAN TOWARAK: Any further
39 questions.

40
41 (No comments)

42
43 CHAIRMAN TOWARAK: Thank you, Gene.
44 Then go on to the next project.

45
46 MR. PELTOLA: Okay, thank you, Mr.
47 Chair. And also I'll be addressing the next section,
48 which is likely -- not likely, but is the Yukon River
49 and Kuskokwim River update in regard to .804 requests
50 and such.

1 As you recall about this time last year
2 we received the request from the Native Village of
3 Napaskiak to limit the Kuskokwim fishery within the
4 conservation unit to Federally-qualified units. That
5 set a certain process in action. We went through the
6 summer and came up until about August -- July/August
7 period then we had six proponents on the middle and
8 upper Kuskokwim ask for similar action regard to the
9 remainder of the season. If you recall the action
10 which was taken by the Board last year at the April
11 17th meeting was an emergency action, which had a
12 temporal limitation on it; that expired before the end
13 of the fishing season.

14
15 So we ended up completing the fishing
16 season last year, and in about August, last fall I
17 received a phone call from a mid river village on the
18 Kuskokwim saying we want Federal management next year
19 like we have now. Our response was, why don't we wait
20 until we get through the remainder of the season. Why
21 don't we recommend that you wait and see what the run
22 construction is for this current season, talking about
23 last summer, look at what the forecast is, look at what
24 the Yukon Delta Refuge Staff and Department Staff in
25 Bethel come up with a proposed in-season strategy and
26 if that doesn't meet your needs then come back to us
27 with a request. We were told more or less, yes and no.
28 We'll wait to see those but we probably won't wait as
29 long as it will take to get to -- what the in-season
30 management plan is. Come October I received a phone
31 call, and this is all on the Kuskokwim, stipulating
32 that we would have up to nine villages on the middle
33 and upper Kuskokwim sending a request to the Federal
34 Subsistence Board through OSM to limit the fishery to
35 Federally-qualified users once again but instead of for
36 chinook, for salmon, and -- because they wanted a
37 similar management scenario this past summer. The
38 response we had, or the Program had -- or myself, to
39 the person I was talking to on the phone was similar to
40 the first call I received in August. Run
41 reconstruction, forecast, in-season plan, if it doesn't
42 fit your needs then consider sending your request then.

43
44 To-date we have not received any
45 requests for the Kuskokwim but we anticipate receiving
46 those here shortly. And the reason I say shortly is
47 that what OSM Staff accomplished last year in two and a
48 half months I found to be a phenomenal extraordinary
49 effort. The reason I say that is that if you recall
50 this body back in '99/2000, limited the fishery within

1 the conservation unit, the Federal conservation unit on
2 the Kuskokwim to Federally-qualified users but we
3 didn't take the additional step of doing an .804
4 analysis which the anthropology division accomplished
5 last year. Back in '99/2000 this body described it
6 roughly as complex -- too complex and unachievable and
7 that was accomplished and so I think it was a
8 phenomenal effort. Now, with regard to -- if we get any
9 requests this winter for similar action during the
10 summer, the process would still be the same. We would
11 not have to do an additional .804 analysis, that's
12 already been accomplished. We'd still do an analysis
13 of the request, we make a recommendation to the Board,
14 and just as we did last year, we'd also make a
15 recommended allocation strategy with regard to
16 execution and management of the fishery if the Board
17 chose to adopt it.

18

19 On the Yukon, last summer we received a
20 fax from the Native Village of Marshall to limit the
21 fishery to Federally-qualified users, and conduct an
22 .804 analysis, similar to what we did several months
23 prior. We ended up doing what we called an
24 administrative deferral. We couldn't address that
25 request. The reason we could not address their
26 request, like I mentioned before, that the anthropology
27 division of OSM did a remarkable job with regard to the
28 .804 analysis for the Kuskokwim in two and a half
29 months. If you look at the Yukon it's a lot larger
30 river, a lot more segmented with regard to Federal
31 lands and waters as opposed to the Kuskokwim, in
32 addition to you overly that with Treaty obligations.
33 When the request came in, I think it was May 26th of
34 last year, we did not have the time to address it, even
35 if we chose to, to get something in place before the
36 fish had already bypassed the village of Marshall. So
37 we called up Marshall, explained what the
38 administrative deferral was, they accepted that. It
39 got down to the point where I personally asked the
40 question, what do you really want now. At the time
41 they said well we have a funeral coming up, we would
42 like to provide some fish for our elders, so 25 to 30
43 fish would suffice our immediate needs right now. At
44 that point I called Jennifer on the phone and said
45 here's their immediate concern, I explained what we had
46 done to-date with regard to the request and I said, you
47 know, the State could issue a permit or we could issue
48 a cultural/social permit, your choice. I think they
49 ended up getting the fish they wanted. They're happy
50 with at least regard to that effort.

1 Now, we had information provided to us
2 during July from an upper river village that they
3 wanted to do the exact same thing, so we conveyed the
4 message back that with regard to the .804 had not been
5 completed for the Yukon, more complex, Treaty
6 obligations, we couldn't pull -- even if we addressed
7 it we couldn't pull off or accomplish all the steps
8 required prior to the fish bypassing their village and
9 even bypassing the border. So we did not receive an
10 official request, you know, from an up river village.

11
12 Now, going back to a more recent
13 occurrence.

14
15 About two months ago I was told that
16 OSM will receive a request on behalf of the Board to
17 limit the fisheries on the Yukon to Federally-qualified
18 users and also there will be a request for an .804
19 analysis. I was told that that request will be at
20 least a minimum of 12 communities, four from lower,
21 four from middle, four from upper. To-date we have
22 not received any requests on the Yukon, although we
23 anticipate that we may receive a request shortly.

24
25 And that's my update on the Yukon and
26 the Kuskokwim. I'd be more than happy to address any
27 questions at this time, Mr. Chair.

28
29 CHAIRMAN TOWARAK: Go ahead.

30
31 MS. PENDLETON: Through the Chair.
32 Gene, could you just talk a little bit about some of
33 the reconstruction and forecasting information from
34 this past season for the Kuskokwim and the Yukon, how
35 the runs look and what's -- looking ahead to this next
36 season.

37
38 MR. PELTOLA: Anecdotally, the
39 information I've been exposed to is people feel that
40 we're going to experience a run this coming summer
41 similar to what we had last year. I have not been
42 exposed to the run reconstruction from the Department
43 nor the forecast, which may be generated from the
44 Department. From my understanding that has not been
45 made public yet.

46
47 CHAIRMAN TOWARAK: Have you got a
48 comment, Jennifer.

49
50 MS. YUHAS: Folks were just kind of

1 looking over and it isn't finalized yet. And I know it
2 seems like, to those of us that don't do all that big
3 brain work, analyzing all this fish stuff, you know,
4 why don't they have that yet, and I've asked that on
5 various years internally too and then I've seen lots of
6 math on a board with letters and said, okay, just keep
7 working on it. It usually comes out in about another
8 three or four weeks is -- is when -- you know, each
9 year it's usually available. So it's just not ready by
10 the time you have your Board meeting.

11

12 MR. PELTOLA: And I don't mean to make
13 an excuse on behalf of the Department, I think -- but I
14 know that Kevin Schaeffer who was intimately involved
15 in that has moved to a different position so there may
16 be some transition concerns there but there is more
17 competent staff there to fill in behind him so.

18

19 CHAIRMAN TOWARAK: Go ahead, Mr. Smith.

20

21 MR. SMITH: Yeah, I apologize in
22 advance for stating the obvious and I hope I'm not
23 overstating the obvious but, you know, I just came from
24 a family dinner last night with a bunch of people from
25 Marshall and I can tell you life long king salmon
26 fishermen, I can tell you that nobody in Marshall is
27 happy with the current situation. You know, and I was
28 involved in the first setting up -- the first Tier II
29 fishery in Alaska, the only Tier II fishery in Alaska
30 on the Nome area chum salmon and, you know, it's real
31 similar to what's happened on the Kuskokwim last year,
32 nobody likes that, nobody wants that.

33

34 And what we're doing is we're fumbling
35 around, you know, not understanding the system very
36 well, trying to find some way to get things back to the
37 way they were, you know, I don't know anybody that
38 wants to squeeze people out of fishing, to stop -- you
39 know to make them not qualified for subsistence
40 fishing. We're just trying to find some way to get
41 back to the way things were. So, you know, if we fail,
42 you know, I mean I hardly understand the system and you
43 can't expect anybody, you know, in Marshall really to
44 understand how to get what they want.

45

46 And so, I know you all know that but I
47 just wanted to say that.

48

49 MR. PELTOLA: And I appreciate the
50 sentiment, I understand it. When I meant that that

1 seemed to suffice for them at the time, I guess I was
2 remiss in making the point that for those individuals
3 within the Native organization, the immediate concerns,
4 those were expressed to me. I didn't mean to infer that
5 the whole community was happy with that. But I
6 understand that.

7

8 I mean growing up, being born and
9 raised in Bethel and growing up on the Kuskokwim, it
10 was -- you see everyday how the lack of availability to
11 fish affects the individual. One thing I can say that
12 within OSM, our Staff, they do take that to heart.
13 None of our decisions are made lightly. There are very
14 serious consideration going into every decision that we
15 make at OSM and we're very cognizant of that sentiment
16 out there in the villages.

17

18 CHAIRMAN TOWARAK: Any further
19 questions.

20

21 Go ahead, Jennifer.

22

23 MS. YUHAS: Thank you, Mr. Chairman. I
24 know some of us have been dealing with this quite
25 intricately for many months, a couple of years.

26

27 I'd just like to clarify two points on
28 the record.

29

30 One from the State and then I'll ask
31 Gene to clarify one because it belongs to OSM.

32

33 But for the record, what the special
34 action did, because, you know, we've had a lot of
35 confusion surrounding that in the public end, even with
36 the State. The .804 -- or sorry, the special action
37 that you folks passed last year simply precluded
38 harvest by State users of one species for one portion
39 of the river. And so I need to reiterate that the
40 State did not stop managing, we did not stop all of our
41 responsibilities by statute and regulation to care for
42 the continuation of the fish population, we simply did
43 not allow a harvest for one species on one portion of
44 the river.

45

46 And then, Gene, just for the record,
47 could you clarify again what an .804 analysis does
48 because some people think it does something it doesn't.

49

50 MR. PELTOLA: Okay, I'll address the

1 .804 first, if you don't mind.

2

3 The .804 analysis is an analysis
4 required by ANILCA when -- if and when you have to
5 allocate or potentially restrict within Federally-
6 qualified users.

7

8 What the anthropology division did is
9 we started off with those villages that had a positive
10 C&T for chinook on the Kusko. From that we took a
11 closer look, and I think that was 37 or 39 villages
12 originally. From that we took a closer look based on
13 the three criteria, proximity to resource, alternative
14 resources available and direct reliance on the
15 resource. Those are the three criteria we are able to
16 use to differentiate if we have to restrict between
17 Federally-qualified users. Based on that criteria the
18 list was truncated, so to speak, cut down, limited to,
19 however you want to define it, down to 32 villages on
20 the Kusko. That means that they had access to the
21 resource if there was even to be a harvest opportunity.

22

23 What did the special request address.

24

25 Well, first off, when you get a special
26 action request, there's one that is a temporary, which
27 is a longer term or there's an emergency, which is
28 shorter term, and the Board chose to take the shorter
29 term approach which put us to the middle of July.

30

31 What the action did was limit the
32 harvest of chinook to Federally-qualified users within
33 the Federal conservation unit boundaries which happens
34 to be the Yukon Delta National Wildlife Refuge
35 Conservation Unit boundaries. The up river border is,
36 I think, is approximately 1.2 miles up stream from the
37 confluence of Aniak Slough, Aniak River on the Kusko,
38 from that point down there was Federal jurisdiction so
39 to speak.

40

41 CHAIRMAN TOWARAK: Any further
42 questions.

43

44 (No comments)

45

46 CHAIRMAN TOWARAK: If not, then, thank
47 you, Gene.

48

49 The next item.

50

1 And I wanted to point out, I got a note
2 here, when people use our microphones please get as
3 close to the mic as possible. The people that are on
4 line are having trouble hearing what is being said when
5 you get too far away from your mic.

6
7 Thank you.

8
9 MR. PELTOLA: Okay, Mr. Chair, next we
10 have a Southeast Alaska RAC proposal on C&T, customary
11 and traditional use update. Pippa, if you could
12 introduce yourself and proceed.

13
14 MS. KENNER: Hello, Mr. Chair. Members
15 of the Board. Council Chairs. My name is Pippa
16 Kenner. And I'm with the anthropology division at the
17 Office of Subsistence Management. I'm going to present
18 the status of the review of the customary and
19 traditional use determination process. I don't have
20 any briefing materials for you today, I'm just going to
21 give you an oral presentation and I'll be brief.

22
23 Basically where we're at in April 2014
24 Mr. Bertrand Adams, Sr., who was the Chair of the
25 Southeast Alaska Regional Advisory Council sent a
26 letter to Mr. Tim Towarak requesting an analysis of the
27 effects of possible changes to the customary and
28 traditional use determination process. In response to
29 the request, anthropologists from the Office of
30 Subsistence Management will be presenting briefings to
31 the 10 Regional Advisory Councils at their upcoming
32 2015 -- winter 2015 meetings and the purpose of the
33 briefing is to better inform the Southeast Alaska
34 Council and others of the possible effects of specific
35 changes to the determination process.

36
37 The Southeast Alaska Council requested
38 Staff to analyze the effect of three things.

- 39
40 1. Eliminating the eight factors from
41 the customary and traditional use
42 determination process.
43
44 2. Allowing each Regional Advisory
45 Council to determine its own process to
46 identify subsistence users.
47
48 3. Requiring the Board to defer to
49 Regional Advisory Council
50 recommendations on customary and

1 traditional determinations.

2

3 The briefing will be included in the
4 meeting materials prepared for Council members and
5 it'll be in handouts at the first.....

6

7 CHAIRMAN TOWARAK: Pippa, we just got a
8 note that they're having a hard time understanding on
9 the radio, could you get a little bit closer to your
10 mic.

11

12 MS. KENNER: Thank you, Mr. Chair. The
13 briefing will be included in the meeting materials
14 prepared for Council members in handouts at the first
15 Council meetings and in the meeting books at the later
16 Council meetings.

17

18 I just presented a brief outline of the
19 status of the review of the customary and traditional
20 use determination process and that's the end of my
21 briefing.

22

23 Thank you, Mr. Chair.

24

25 CHAIRMAN TOWARAK: Thank you. Are
26 there any questions.

27

28 (No comments)

29

30 CHAIRMAN TOWARAK: Thank you, Pippa.

31

32 Gene, the next item.

33

34 MR. PELTOLA: Okay, the next item on
35 the agenda, Mr. Chair, under the briefing section, we
36 have tribal consultation implementation guidelines.

37

38 Crystal, if you could introduce
39 yourself and proceed.

40

41 MS. LEONETTI: Waqaa.

42

43 (No comments)

44

45 MS. LEONETTI: My name is Crystal
46 Leonetti. I'm the Alaska Native Affairs Specialist for
47 US Fish and Wildlife Service and I'm the Federal co-
48 Chair on the tribal consultation workgroup for the
49 Federal Subsistence Board. And, Rosemary Ahtuanguak
50 is maybe on the phone, Rosemary are you there.

1 (No comments)

2

3 MS. LEONETTI: I know she was on her
4 way to Nuiqsut this morning and I'm not sure if her
5 flight coincided with the timing of our briefings.
6 Rosemary is the tribal co-Chair for this workgroup and
7 was going to be co-presenting with me, but I'll cover
8 it, and if Rosemary comes on line it'd be great if she
9 could help, speak up.

10

11 So today we're requesting Board action
12 to approve the two subject documents for implementation
13 by the Federal Subsistence Management Program. They
14 are the tribal consultation policy implementation
15 guidelines for Federal Staff and the ANCSA Corporation
16 consultation policy.

17

18 We have a brief summary of both
19 documents and then two items for you to consider before
20 you vote to finalize the documents.

21

22 The workgroup has been striving to
23 achieve a meaningful implementation guideline for the
24 consultation policy and an ANCSA policy for three years
25 now. Our goal was to develop a guideline that works
26 well for the Office of Subsistence Management and the
27 Inter-Agency Staff and of paramount significance for
28 tribal governments and ANCSA Corporations.

29

30 I'll start with the draft
31 implementation guidelines. The implementation
32 guidelines are intended to provide Federal Staff
33 additional guidance on the Federal Subsistence Board's
34 government to government tribal consultation policy.
35 It is a more detailed set of instructions and
36 procedures which Federal Staff can use to guide them
37 through the annual process of regulation setting. It
38 can be changed as needed, just as the policy itself is
39 to be reviewed on an annual basis for effectiveness.

40

41 The document provides guidance on
42 consultation meeting protocols, how to carry out
43 consultation during the regulatory cycle and for
44 special actions and non-regulatory issues and who is
45 responsible for those duties and providing consultation
46 and cultural training for Federal Staff.

47

48 The document also guides Federal Staff
49 to keep tribal contact information up to date, track
50 and report the consultations effectively and complete a

1 regular review of the policy's effectiveness.

2

3 We believe we've reached a very solid
4 guideline due to the consideration and deliberation of
5 many diverse perspectives adding to the value and
6 strength of the Board's consultation policy.

7

8 Now, I'm going to move on to the Draft
9 ANCSA Corporation consultation policy.

10

11 The Federal Subsistence Board policy on
12 consultation with Alaska Native Claims Settlement Act,
13 ANCSA Corporations, is adapted from the Department of
14 Interior Policy on consultation with ANCSA
15 Corporations. It includes a preamble, guiding
16 principles and policy. Essentially it says it will
17 follow the policy set forth by the Federal Subsistence
18 Board government to government tribal consultation.

19

20 This draft policy has been improved
21 upon by the workgroup with representatives from village
22 and regional ANCSA Corporations, thereby adding to the
23 meaning of this policy for this Board. It was
24 originally drafted in December 2011 and has been
25 perfected through consultations throughout the last
26 couple of years.

27

28 A couple of items to review.

29

30 Co-Chair Rosemary Ahtuanguaruak and I
31 sent you a letter transmitting these two documents on
32 January 2nd. In that letter we asked you to consider
33 two items. I'll just read from the letter.

34

35 Comments from tribal leaders regarding
36 the guideline led the workgroup to
37 explore whether closed consultation
38 with tribes and/or ANCSA Corporations
39 were allowable as the Board develops
40 regulations. The Administration
41 Procedures Act governs the way in which
42 agencies may propose and subsequently
43 establish regulations.

44

45 The workgroup has identified a
46 potential solution that would allow the
47 Board to engage in closed-door sessions
48 with tribes or corporations and still
49 comply with the Act's requirements to
50 keep the public informed and provide a

1 record for public review. The Act
2 requires rulemaking bodies, such as the
3 Board, to have a publicly available
4 record of meeting discussion that are
5 part of the deliberative process as
6 they develop regulations.
7

8 The workgroup recommends that the Board
9 meet the administrative record
10 requirement by arranging for the closed
11 door government to government sessions
12 to be transcribed if discussions are
13 regulatory in nature or documented
14 through meeting notes if the discussion
15 is non-regulatory in nature. The
16 information would become part of the
17 official administrative record.
18

19 A closed consultation is a viable
20 option for this regulatory process and
21 helps the agencies meet their trust
22 responsibility to tribal governments.
23

24 The workgroup has included language in
25 the guideline that allows flexibility
26 for the Board to engage in closed
27 government to government consultation
28 and simultaneously meet the
29 requirements of the Act.
30

31 The Board has also expressed concern
32 that RAC members have access to
33 relevant information through
34 consultation processes. An option for
35 the Board to consider is to invite RAC
36 Chairs or their designee to observe the
37 government to government consultation.
38 Once the consultation occurs and the
39 record of the consultation proceedings
40 is finalized it will be made available
41 to all RAC members.
42

43 And just, as you know, on Wednesday
44 this week, the Board did both of these things, had the
45 consultation just with tribes and ANCSA Corporations
46 and had the RAC Chairs in the audience to observe.
47

48 After a yearly review for relevance
49 these items currently included in the
50 draft guidelines may be changed as well

1 as other clarifying needs as the need
2 arises.

3
4 The workgroup appreciates the Board's
5 commitment to implementing the tribal
6 consultation Executive Orders
7 strengthening relationships with Alaska
8 Native peoples and meeting its trust
9 responsibility to Federally-recognized
10 tribes.

11
12 And before I conclude, I just want to
13 check and see if Rosemary is on the line.

14
15 (No comments)

16
17 MS. LEONETTI: Okay. So that's the end
18 of my briefing.

19
20 CHAIRMAN TOWARAK: Are there any
21 questions of Crystal.

22
23 Go ahead, Harry.

24
25 MR. H. BROWER: Good morning, Mr.
26 Chair, thank you. Crystal, thank you for the
27 presentation.

28
29 I did voice a concern regarding the
30 participation, attendance of what you stated, ANCSA
31 Corporations or tribal members to the event that you
32 mentioned for Wednesday. This being said, you know,
33 the setting was early in the morning, there was only
34 one or two attendees of some 200 other tribes that
35 could have probably take part or written comments to
36 what's being generated here. And I raise that as a
37 concern.

38
39 You know when you document something of
40 this is a process that's going to take place in this
41 type of a setting I think there needs to be more clear
42 definition than of how you attend or participate and
43 include participants to this type of activity.

44
45 And that's the concern I wanted to
46 bring back on the table for discussion, Mr. Chair.

47
48 I'm not sure how you, as the Board
49 members, view that with just one or two members present
50 and the other 200-some members not having a say or not

1 being included in the sense of the discussion.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN TOWARAK: Thank you, Mr.
6 Brower. And there's been a lot of discussion ever
7 since the process was started. We've looked at every
8 possible way -- the Staff has looked at every possible
9 way to communicate with the 225, is it, tribes
10 throughout the State of Alaska. And, Crystal, you
11 might want to give us an update on how you do that now
12 days.

13

14 MS. LEONETTI: So, Orville Lind,
15 Orville, can you raise your hand. Orville is the
16 Native liaison for Office of Subsistence Management and
17 he's brand new in that job. Orville and I work
18 together on a database that has the contact information
19 for the 229 tribes and approximately 200 corporations.
20 It's a lot of contact information to keep up to date in
21 real time. We think we are getting more streamlined at
22 that and every time there is a consultation
23 opportunity, according to the policy and the
24 implementation guidelines, all 229 tribes are contacted
25 through an email. But then as Orville stated during
26 the consultation, they're getting better at contacting
27 the tribes that may be impacted by proposals, by
28 certain actions of the Board personally, on the phone,
29 and actually reaching Staff members, working with the
30 Council coordinators. So it's a big team effort and I
31 think it is improving, as Orville stated, earlier this
32 week. And we share that concern.

33

34 Something we hear from tribes often is
35 they have to -- because a lot of tribes have such a
36 small Staff, they have to pick and choose what they
37 respond to on all the Federal requests for consultation
38 that tribes are getting. And so if it doesn't rise to
39 a level of high importance for the tribe, what we're
40 hearing is they just don't have the time and the
41 capacity to come to the consultations.

42

43 CHAIRMAN TOWARAK: Go ahead, Harry, and
44 then Gene.

45

46 MR. H. BROWER: So I just want to put
47 the caution out about how you interpret that in terms
48 of communications, you know, when you make contact by
49 phone or email doesn't mean that's a consultation.
50 There's got to be some discussion to the fact that

1 there's been interaction and the concern has been
2 addressed in a sense. You know just checking off a box
3 doesn't mean that you've had your consultation process.
4 I don't think that's what we're -- that's what I'm not
5 wanting to see as a process that's being identified to
6 move forward. I think there needs to be proper
7 communications in terms of how -- the levels of
8 importance to the community or people that are
9 concerned of these types of regulation changes are
10 being proposed into the communities that are affecting
11 subsistence users.

12

13 Thank you.

14

15 CHAIRMAN TOWARAK: Do you have
16 comments.

17

18 MR. PELTOLA: Yeah, thank you, Mr.
19 Chair.

20

21 I'd like to address consultation a bit,
22 generically, in the sense that a lot of the effort with
23 the regard to the development of the implementation
24 guidelines regarding to our TC policy, a lot of effort
25 went into that. Then we have consultation with the
26 Board, then we have consultation with the Program. I
27 would like to speak about the consultation -- efforts
28 of the consultation from the Programmatic end.

29

30 When we go to a Regional Advisory
31 Council meeting we get criticized for not making an
32 opportunity -- we're criticized for not making the
33 opportunity available or informing people. About a
34 little over a year, a year and a half ago, right after
35 I arrived I talked to our Council coordinators, I
36 talked to our Native liaison at the time and we do what
37 we normally do by sending an email, putting it on the
38 web page, sending, you know, and a phone call, but also
39 I asked Staff to keep a running list, send a fax, have
40 the TC office, the IRA office or whoever the contact is
41 confirm that they received it and put down a name and
42 time, such that, if we are criticized for not making it
43 available we're not going to say, oh, by the way, Gene
44 Peltola received this fax at 10:26 a.m., but we could
45 say we have made the effort and then in a private
46 discussion we could get into that if need be.

47

48 A lot of things -- actually a majority,
49 if not all the things we do require some level of
50 consultation.

1 I'll use the example of the .804
2 request from Napaskiak last year. That was an action
3 that could potentially affect tribes. We did the roll
4 call effort, so to speak, the 32 villages may be
5 affected by a Federal action for chinook, from up
6 stream, you know, Nikolai, Telida on down stream down
7 to the mouth, Tunt, Kong, Kwig, Eek, we went down, we
8 made sure that the TC, IRA, whoever the entity was had
9 received notification. Because, unfortunately what we
10 do, as Crystal mentioned, we have roughly approximately
11 130 [sic] tribes, we have 400 corps, we can't meet with
12 everybody so unfortunately one of the most effective
13 means we have is via teleconference. That's what we
14 end up usually utilizing when we go through the
15 proposal phase, when we're dealing with 10s, if not
16 more, of proposals. Now, back to the Kuskokwim, we had
17 a specific meeting in Bethel, a tribal consultation
18 meeting with tribes, those that chose to participate
19 showed up and provided us comment on the proposed
20 action. That's the -- I mean there's a lot of effort
21 going into to insure that if someone has a voice that
22 they want heard, that the voice is heard. But
23 unfortunately we can't -- if someone chooses not to
24 comment, we can't force them to comment or participate.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN TOWARAK: Go ahead, Crystal.

29

30 MS. LEONETTI: Thank you, Mr. Chair.

31

32 Mr. Brower, I wholeheartedly agree that
33 a phone call or an email or a fax is not considered
34 consultation and that, I think, is made clear through
35 the implementation guidelines, that the contact is made
36 to insure that tribes are aware that this proposal
37 might affect them and that consultation is available
38 and consultation can occur however that tribe feels is
39 most appropriate to that tribe and to the Federal
40 participants as well.

41

42 So I hope that meaningful dialogue
43 occurs between the decision makers in the tribal
44 government and in the Federal government and that's
45 what these implementation guidelines are attempting to
46 achieve.

47

48 Thank you.

49

50 CHAIRMAN TOWARAK: While you're still

1 on the seat there, Crystal, we've got a request from
2 Peter Demoski, he wanted to make some comments
3 regarding tribal consultation.

4
5 MR. DEMOSKI: Good morning, Mr.
6 Chairman. Thank you for allowing me.

7
8 I just want to enhance on what the RAC
9 Chairman from the North Slope has said previously and I
10 don't want to give the impression that Crystal is not
11 doing her job, I guess she is doing it. But I want to
12 state that when I came to this meeting I'm only here
13 because I requested from the Subsistence Board a copy
14 of the agenda because we didn't know anything about
15 this meeting until two weeks ago. Since I've been at
16 this meeting I've contacted the villages in our area or
17 had my son do it and the village chiefs in those four
18 villages in the Nulato area did not even know about
19 this meeting.

20
21 I know in the rural villages we do have
22 difficulty with communication sometimes, or telephone
23 services are out, sometimes mail gets delayed
24 somewhere, but something needs to be done better in the
25 communication cycle. I've been to this meeting before
26 and I am thoroughly surprised when I got here that I
27 was the only -- me and my son were the only
28 representatives from the middle Yukon River. In the
29 past I have seen many delegates from the Interior River
30 villages attend this meeting but this year I'm just
31 flabbergasted that no one else is here except us from
32 Nulato. Even Robert Walker admitted he didn't know
33 anything about this meeting either until Jack Reakoff
34 called him to sit in for him. So some sort of
35 communication or notification needs to be done for
36 improvement.

37
38 I would suggest that maybe they start
39 contacting villages maybe a couple months in advance of
40 your meeting if that is at all possible. Because I
41 would suggest that if people in the middle Yukon River
42 knew about FP15-03 I would have had a lot more villages
43 show up. I'm sure of that.

44
45 Thank you.

46
47 CHAIRMAN TOWARAK: Thank you, Demoski.
48 Go ahead, Mr. Walker.

49
50 MR. R. WALKER: Thank you, Mr. Chair.

1 Members of the Board. This is very true here what Mr.
2 Demoski has to say here.

3
4 I didn't know I was going to come here
5 until all of a sudden this Wood Bison issue and this is
6 the first meeting I've ever been to and I never ever
7 seen it on our bulletin board as government to
8 government that there is a Federal Board meeting here
9 in Anchorage. I've heard of them but I never ever knew
10 the dates. We never knew how important this is but we
11 knew that we did put in proposals to change some of the
12 issues. But this, I say, like yesterday was
13 embarrassment for Tanana Chiefs because they weren't
14 here to speak for Holy Cross like I mentioned. I mean
15 Tanana Chiefs, were they informed of this, I don't
16 know, but we will find out here later when I and Pete
17 -- we'll talk together, we will talk to the president,
18 Mr. Joseph here when we get around to that.

19
20 Yeah, this is my first time, Mr.
21 Chairman, and I am kind of surprised and I am very well
22 informed on what is going on here now that I know what
23 goes on, I can tell our other people. I did talk to
24 our RAC members yesterday that I was here from the
25 Western Interior.

26
27 Thank you, very much, Mr. Chair.

28
29 CHAIRMAN TOWARAK: Thank you, Mr.
30 Walker. Any further discussion.

31
32 Mr. Smith.

33
34 MR. SMITH: Yeah, this is a chronic
35 problem with both the State and the Federal government
36 is failure to let people know about these things.

37
38 There was an outreach program yesterday
39 from the North Pacific Fisheries Management Council on
40 salmon bycatch in Nome and one of the fishermen called
41 me last night and chewed me out because he didn't know
42 about it and, you know, I failed for not letting
43 everybody know and I said, well, I'm not getting paid
44 for that, you know, it's an outreach program, you would
45 think that somebody on the Staff would take that task
46 and I did fail in my role, I guess.

47
48 But this happens all the time. It
49 happens all the time, you know, we just find out about
50 these things and just like Mr. Walker said, I try to

1 have my finger on the pulse, you know, and I miss these
2 things all the time. It's really not that hard. It's
3 not that hard to let people know about these things but
4 somehow they manage to fail to do it. If I had done
5 that it would have been easy for me to let everybody
6 know, I just didn't do it.

7

8 The other point I wanted to make is,
9 you know, it's fine to communicate with these Staff
10 members in the office but they don't do their job quite
11 often in communicating with the users and I echo what
12 Mr. Brower said. The information is not trickling down
13 for some reason and so there's no point in spending all
14 this money to do outreach if the users don't hear about
15 it or get a chance to participate.

16

17 CHAIRMAN TOWARAK: Go ahead Louis.

18

19 MR. GREEN: Thank you, Mr. Chair. One
20 of the -- I just had a thought here on outreach, you
21 know, in Nome they have a radio station talk show. You
22 know, those talk shows might be another avenue that I
23 hadn't thought about before, it just hit me just now so
24 that's why I'm bringing it to the table.

25

26 But one of the other things is, ANCSA
27 Corporations haven't totally developed into worrying
28 about their actual fish and game, it's always about
29 enterprise. One of the things that I've tried to bring
30 to the table at my village corporation level at
31 Sitnasuak is that you own the land, there's plenty of
32 rivers through it, be proactive with the fish and game
33 management, it makes your land worth more. But that
34 concept is really hard to sell to people that don't
35 really understand it. And the tribes, they understand
36 it, but they're not at the table engaged. Those two --
37 they're all the same people, the tribe and the
38 corporation but the melting them together is the issue
39 and getting people to understand that it's all of ours
40 to worry about, to put that together, that's what we
41 need to do.

42

43 Again, the radio station, you might,
44 you know, Bethel, I'm sure has a talk show, I know Nome
45 KNOM has a talk show, there's probably one up in
46 Kotzebue. That might be a way to reach out. Barrow
47 probably has that too.

48

49 Thank you.

50

1 CHAIRMAN TOWARAK: Thank you, Mr.
2 Green. Go ahead, Mr. Wallace, grab a microphone here.

3
4 MR. WALLACE: Mr. Chair. Board.
5 Council. I didn't bring my green card this morning,
6 Mr. Chair, but I got my green shirt on.

7
8 Go Hawks.

9
10 (Laughter)

11
12 MR. WALLACE: I see in the agenda item
13 that there's maybe requesting action, and so I needed
14 to make comment before maybe there was action taken.

15
16 First of all I wanted to thank Crystal
17 and Rosemary and the workgroup that's been working for
18 many years, like she said, you know, from developing
19 the policy now, the guidelines.

20
21 I know Saxman was one of the Federally-
22 recognized tribes that made comment on it and one thing
23 we did really want was the opportunity for closed
24 sessions if we needed to.

25
26 And I see in the letter she said we
27 have a possible solution, I say it's a solution. And
28 the other part of the RAC, you know, tribal governments
29 really want RACs involvement. In Wednesday's morning
30 session the RAC Council Chairs, or designees were on
31 the outside circle and my opinion is they should have
32 been on the inside circle. Because in Southeast,
33 tribal governments and I would say specifically Saxman,
34 and going back to 2006, we've been really pretty
35 involved in this whole process of RAC meetings, FSB
36 meetings and we have it on the radar, we know the
37 cycles of your meetings, we know the cycles of the RAC
38 meetings. And it's always been on our radar, and it's
39 always been on our agenda right near the top each month
40 as we go and so we're continually getting updates.

41
42 The other part of all the 229
43 Federally-recognized tribes, many of them are very
44 small. Unless you are a regional tribe, like Tanana
45 Chiefs, or Central Council, they're operating on very
46 small budgets. With sequestration happening, the first
47 year of that we experienced a five percent cut, I
48 haven't seen the numbers for this fiscal year but the
49 solution -- or maybe not a solution, but probably, you
50 know, there was talk of, you know, the notices aren't

1 getting out, probably the mere fact is that they don't
2 have funds. Just like OVS, we wouldn't be here unless
3 we had friends like the BIA that we were granted a
4 subsistence grant to participate in these number of
5 years. If we didn't have that grant we probably
6 wouldn't be making all these meetings and we would
7 probably be calling in on the handicapped
8 teleconference. As you all know they're experiencing
9 issues there because of the connection problems and,
10 you know, all those outlying 229 villages and tribes,
11 they don't have fast acting internet so you do have a
12 connection problem.

13

14 But if you're going to take action I do
15 think the consideration for closed door sessions,
16 Saxman advocated for and, you know, I advocated it for
17 Wednesday morning. That's where it's more effective.
18 Some tribes may not want a closed door session, but
19 definitely Saxman did for various reasons.

20

21 One other thing I didn't see on there,
22 maybe it's on the policy, but when we called for
23 consultation in Saxman we sent Jack Lorrigan -- I think
24 it was either six or 10 simple protocols to follow that
25 the tribe met and we came up with a protocol we wanted
26 to follow and with that I think there was some issue at
27 FSB, I'm not sure where it really came from, whether it
28 was Staff or who it was but they definitely had an
29 issue and the consultation was called off basically.
30 But if there's something in there where you would
31 respect the protocol of the tribes, you know, when they
32 draw it up and we certainly did that and we weren't
33 asking for much but we met as a council.....

34

35 It sounds like I lost the connection
36 here. Do you need to restart it. Are you there.

37

38 (Pause)

39

40 MR. WALLACE: What about this one, no,
41 anybody else.

42

43 CHAIRMAN TOWARAK: Did we get cut off.

44

45 REPORTER: Hold on.

46

47 MR. WALLACE: Testing one, two, we're
48 back on. No, I'm gone again -- somebody's cutting me
49 off purposely.

50

1 (Laughter)

2

3 MR. WALLACE: But with that maybe I
4 should end, but, yeah, if you're going to make action,
5 definitely I encourage you to have that option for
6 tribes to request closed door sessions if they can.

7

8 REPORTER: Hang on. There you go.

9

10 MR. WALLACE: I think she found the
11 solution.

12

13 Yeah, I'd just ask you guys to consider
14 that and make it an option for tribes if they wish to
15 have closed doors.

16

17 Thank you.

18

19 CHAIRMAN TOWARAK: I know that our
20 attorney had made some comments to you, I think, but we
21 will request through Crystal, and our liaison, to get
22 clarification from the legal department on what our
23 restrictions are and I know there are some but I can't
24 speak to it at this point. We'll get information to
25 you.

26

27 MR. WALLACE: Right. One of the issues
28 that I think you guys had was the recording part and so
29 when we had our session in Saxman we hired a company to
30 come in and digitally record it, then we forwarded that
31 digitally recorded information up to Anchorage to the
32 BIA office and then they transcribed the whole
33 procession of those number of hours and so that's the
34 thing about if you have a closed door session, that
35 it's recorded, so that's what happened and that's what
36 we did. And it's what the tribe wanted, we wanted
37 accurate information of what was being relayed and
38 discussed during that meeting of consultation with the
39 US Forest Service and the BIA. And so the same thing
40 can happen with the FSB when we request another
41 consultation process.

42

43 In listening to Crystal read her letter
44 to you folks, you know, she said we may have found a
45 solution, they did find a solution.

46

47 And the other thing is, in regard to
48 the RAC, the RAC was there to observe and in the policy
49 document draft it says that they will participate and,
50 yes, we definitely want RACs to participate.

1 A comment from yesterday is that -- and
2 actually the last days of proceedings, I've seen
3 throughout the years that the Board has given the RACs
4 deference, and that was an important change from the
5 past proceedings of the FSB Board, and so I appreciate
6 that. And what you're really exercising your trust
7 responsibility to Federally-recognized tribes. That's
8 what you're charged for.

9

10 Thank you.

11

12 CHAIRMAN TOWARAK: Thank you, Mr.
13 Wallace. We do have another request -- go ahead, Mr.
14 Green.

15

16 MR. GREEN: Is there somebody on line?

17

18 CHAIRMAN TOWARAK: No, just one of the
19 public comments.

20

21 MR. GREEN: Just a comment here, or
22 two. That man, the comment about the funding, in 1993
23 Sitnasuak Native Corporation stepped up to the plate
24 when the tribe, Nome Eskimo didn't have funding, it was
25 low on funding and we provided an avenue for people to
26 attend during -- at that time you had to have real face
27 to face, this teleconference wasn't a tool, wasn't a
28 very good tool then. And it was something that hadn't
29 been done, it surprised the Board of Fish, they made a
30 lot of comments about it. But the fact is, is that,
31 that's what I'm talking about, that tie between the
32 tribes and their corporations, where the money's at and
33 the land's at, we need to bring that home and start
34 bringing that to the table so that the people out there
35 that can't afford to be in these settings, we make it
36 affordable.

37

38 So that was just my comment.

39

40 Thank you, Mr. Chair.

41

42 CHAIRMAN TOWARAK: Thank you. We do
43 have a request from Stanislaus Shephard. Would you
44 please come up to the table.

45

46 MR. SHEPHARD: Thank you, Mr. Chair.
47 Board. Members of the RAC.

48

49 Going back to the consultation.

50 Wednesday morning after consultation was over, I called

1 the tribal office back in my village and they had no
2 knowledge of the consultation. And being from -- I'm
3 sorry Stanislaus Shephard from the lower Yukon Mountain
4 Village. Being from the lower Yukon, the groups -- the
5 tribal groups down there are very active in such as
6 Federal Subsistence Board, the State Board and the RAC
7 meetings geared for subsistence purposes. I was
8 wondering did you actually get a hold of the tribes --
9 most of them, the tribes -- what time did you start
10 your consultation.

11
12 MS. LEONETTI: Through the Chair. The
13 consultation began at 8:30 on Wednesday, 8:30 a.m., and
14 I'd have to ask Orville -- it went from 8:30 to 10:00
15 but I'd have to ask you how the tribes were contacted
16 because I wasn't -- I didn't do that.

17
18 MR. LIND: Mr. Chairman. Thank you for
19 that question.

20
21 I work closely with the regional
22 coordinators for all 10 Councils within OSM and we are
23 definitely developing a better process because in the
24 previous meetings we did hear some of these concerns
25 and what we are working together to accomplish is we do
26 several things. The first thing is, is we try to get
27 the faxes out -- I'm sorry, the emails. And within
28 that email we send out to all the tribes or ANCSA
29 Corporations, we will request, if you've got this
30 please zap us back. If that doesn't work we'll do a
31 fax, and we request the same thing on the fax, is if
32 they received the fax, please let us know. If we don't
33 get a reply from that we do a phone call. And a lot of
34 times, what I'm finding out, is some of those -- the
35 data listings we have are no longer current and so as
36 we go through these we are finding out new information
37 and we are adding those to our data list. And it's not
38 going to be a quick fix. And my goal at this point is
39 to get as many cards as I can out to all the tribes and
40 the people here and also through, again, the emails and
41 phone calls that I'll be making in the future.

42
43 But it is a process that we are working
44 on and like I said before it's going to get better.

45
46 And one of the things I found out, as I
47 was going to say, the names in the tribes out there,
48 they change so what you may have on the data base is
49 not that -- that person's not going to receive that
50 information if it's changed over. So there's some

1 issues but, again, your concerns are our concerns.

2

3 Thank you, Mr. Chair.

4

5 CHAIRMAN TOWARAK: Do you want to
6 continue Mr. Stanislaus -- Mr. Shephard.

7

8 MR. SHEPHARD: Yes, thank you, Mr.
9 Chair. Going back to that, the majority of the tribal
10 offices they start their business hours 9:00 to 5:00
11 and do you think they're going to make the effort to
12 call in around 8:00, an hour before they start working,
13 or would that be something to think about, at their --
14 at their start of business hours, or would that make
15 any affect.

16

17 MS. LEONETTI: Through the Chair. I
18 appreciate you bringing that forward. That's
19 absolutely something that we should consider when
20 setting up these consultations with tribes.

21

22 Thank you.

23

24 CHAIRMAN TOWARAK: Does that conclude
25 your comments or do you have more.

26

27 MR. SHEPHARD: Mr. Chair. Would I be
28 able to touch on the subject of .804.....

29

30 CHAIRMAN TOWARAK: Sure.

31

32 MR. SHEPHARD:or would that be at
33 a later time?

34

35 CHAIRMAN TOWARAK: No, go ahead.

36

37 MR. SHEPHARD: Okay. Going back to the
38 .804 request, my question would -- if I could get Gene,
39 Jr., to step up please, thank you, you had mentioned
40 that the lower Yukon is anybody -- is any one person
41 qualified to send in a request for this .804 or does it
42 have to be through the tribe or an entity?

43

44 MR. PELTOLA: Mr. Chair. The Federal
45 process is designed to be bottom up. With that being
46 said an individual can make a request, a corp can make
47 a request, a TC could make a request; any entity can.
48 You do not have to be an entity, you could be an
49 individual.

50

1 MR. SHEPHARD: Okay, thank you very
2 much.

3
4 CHAIRMAN TOWARAK: Thank you. Are
5 there any other questions.

6
7 MR. DEMOSKI: Thank you, Mr. Chair.
8 Board members. I wasn't planning on speaking. I just
9 came here to pretty much observe and gather as much
10 information for my tribe as possible. But you guys are
11 talking about outreach. I mean I had to come up and
12 say something because I never knew about this meeting.
13 I would have never known if my dad didn't tell me about
14 it. After that first day on -- when was that, Tuesday,
15 I called the first chief of Koyukuk, he sits on the TCC
16 E-Board, he didn't know anything about this meeting, he
17 didn't even know it was happening. I asked him if he
18 -- I asked him how come he wasn't here at this meeting
19 and he said he didn't even know about it.

20
21 But -- let's see, I wanted to touch up
22 on that gentleman, what he said about radio stations.
23 There's a radio station in Galena KIYU, I mean they can
24 just contact them and at least put out word that
25 they're having meetings and then there's Huslia, Ruby,
26 Nulato, Koyukuk, all those villages listen to the radio
27 station every day pretty much.

28
29 But I'm just happy to be here. I mean
30 I've gathered a lot of information and I gained a lot
31 of knowledge being here.

32
33 But, yeah, you guys are talking about
34 outreach, the villages need to know. I mean I'm
35 flabbergasted, just like my dad said, I expected to see
36 a lot of Native village corporations here. I thought
37 there was going to be a whole bunch of us down here but
38 like my dad said, there's only two of us from the
39 Western Interior. There is ways to reach out to us. I
40 mean I'm on the internet every day at work, I check
41 emails and I'm always on the internet checking emails.
42 But, yeah, I just wanted to give my two cents on the
43 outreach because I would have never known about this
44 meeting but I'm glad I'm here though.

45
46 Thank you, Mr. Chair.

47
48 CHAIRMAN TOWARAK: Thank you for your
49 comments.

50

1 MR. SMITH: Yeah, you struck a nerve.
2 I'm on the internet all the time too. Have you ever
3 looked at the Federal Subsistence Board FaceBook site?

4
5 MR. DEMOSKI: Not the FaceBook website
6 but the Federal Subsistence Board website, yeah, I've
7 been on there.

8
9 MR. SMITH: I was wondering what you
10 thought of them. Both of those, the website and the
11 FaceBook, I was wondering if you thought those served
12 any useful purpose.

13
14 MR. DEMOSKI: Well, the Federal
15 Subsistence Board website I'm on there pretty
16 consistently but I've never known about this meeting
17 just until my dad brought it up to me. I definitely
18 will have to check out the FaceBook web page though.
19 I'll do that when I get back.

20
21 MR. SMITH: I just wanted to make a
22 point. I think both of those sites leave a lot to be
23 desired and they haven't really been very easy for me
24 to use. And that would be one suggestion is to have
25 somebody work on those.

26
27 MR. DEMOSKI: Is there any more
28 questions.

29
30 (No comments)

31
32 CHAIRMAN TOWARAK: Thank you for your
33 comments.

34
35 MR. DEMOSKI: Thank you.

36
37 CHAIRMAN TOWARAK: Ms. Pendleton, you
38 had a comment.

39
40 MS. PENDLETON: Thank you, Mr. Chair.
41 I just wanted, for the record, to express my
42 appreciation, I think to the team, to Crystal and
43 Rosemary and the various team members really for a good
44 job.

45
46 And I think the thing that excites me
47 the most about the implementation guidelines is that
48 it's recognized as being a living set of guidelines, I
49 think that's important. Because there's always room
50 for improvement and we're always going to learn new

1 ways to be more effective in our communications and our
2 consultations.

3

4 The thing that's really stood out, I
5 think, probably for most of us here is as we implement
6 these guidelines, and I do think it's a good product
7 and one that will continue to improve, but as we do
8 that, we've heard a lot this morning about really
9 putting some emphasis on how we reach out and connect
10 and communicate across this giant state with all the
11 different communities and villages and tribal entities
12 and organizations, and so as we do that, that we --
13 maybe this next year, really focus on some careful
14 monitoring of the effectiveness of that outreach and
15 look for ways that we can improve on that. We've heard
16 some great ideas from public service announcements on
17 the radio to things that, I believe, that OSM is
18 already doing with fax and letter and email and
19 computer and website, but if we can think about some
20 ways that we can really monitor our effectiveness of
21 this.

22

23 And I'm also a believer that
24 communication is two ways, and, so, you know, and I
25 believe that there will be some efforts to really
26 improve upon that in outreaching to folks but it takes
27 two people to communicate, as we know, and so
28 recognizing a responsibility of all to help get that
29 word out, I think, is going to be really important.

30

31 I also appreciate the efforts that have
32 been taken, as we heard from Mr. Wallace, on the
33 importance of having that opportunity for closed
34 consultations and the opportunity for the Federal
35 Subsistence Board, if it's regulatory in nature, to
36 have that information on the record through
37 transcripts. So, I, too, appreciate those efforts that
38 have been made and the flexibility to address that as
39 may come on a need by need basis.

40

41 So, good job, and I just appreciate
42 folks and the work that they've done on this.

43

44 Thank you.

45

46 CHAIRMAN TOWARAK: Gene, you had
47 comments.

48

49 MR. PELTOLA: Yeah, Mr. Chair. I don't
50 mean to hijack the discussion about TC, but outreach is

1 integral to effective tribal consultation.

2

3 But in regard to the comments made, I'd
4 just like everybody to know that OSM's effort, we did
5 send out PSA's to 43 radio stations announcing the
6 meeting, one television station, numerous rural
7 newspapers, the Alaska Dispatch News, it's posted on
8 our web page, our FaceBook page, I believe, and also we
9 utilized emails and faxes.

10

11 CHAIRMAN TOWARAK: Any other comments.
12 Crystal, are you -- do you have any other information
13 for the Board.

14

15 MS. LEONETTI: No. Only just to echo
16 Ms. Pendleton, thank you for your comments, and the
17 workgroup members, I do want to acknowledge them.

18

19 Roy Ashenfelter was here for the last
20 two days and was hoping to come to the table with me
21 but had to go back to Nome today so he couldn't be
22 here.

23

24 Rosemary was on the phone for the last
25 two days and couldn't be here today.

26

27 John Andrew from Organized Village of
28 Kwethluk.

29

30 I'm just going to read the workgroup
31 members to acknowledge their work and their -- they
32 really have volunteered to put lots of effort into
33 this.

34

35 Lillian Petershore from the US Forest
36 Service.

37

38 Jean Gamache from National Park
39 Service.

40

41 Orville Lind, Office of Subsistence
42 Management and his predecessor, Jack
43 Lorrigan.

44

45 Brenda Takeshorse from the Bureau of
46 Land Management.

47

48 Chief Gary Harrison from Chickaloon
49 Native Village.

50

1 Bobby Andrew, Native Village of Ekwok.
2
3 Glenn Chen and Pat Petrivelli from the
4 Bureau of Indian Affairs.
5
6 Gloria Stickwan from AHTNA
7 Incorporated.
8
9 Charles Ekak from Olgoonik Corporation
10 of Wainwright.
11
12 Mickey Stickman from Nulato Tribal
13 Council.
14
15 Cliff Adams from Beaver Gwich'in
16 Corporation.
17
18 Eddy Rexford from Native Village of
19 Kaktovik.
20
21 I want to acknowledge all of them for
22 -- for years, really, for meeting after meeting and
23 coming together and trying to reconcile all the
24 comments that come in from tribes, corporations, and
25 working with all the Federal Staff that have been
26 involved. So thank you.
27
28 That concludes my presentation
29 briefing.
30
31 CHAIRMAN TOWARAK: Thank you, Crystal.
32 And we appreciate all the work that you're doing with
33 Rosemary and coordinating all of that with Orville and
34 everyone else.
35
36 MR. CRIBLEY: Mr. Chairman.....
37
38 OPERATOR: Excuse me.
39
40 MR. CRIBLEY:oh, sorry.
41
42 OPERATOR: Excuse me, sorry, we do have
43 two comments over the phone, would you like to take the
44 comments over the phone.
45
46 CHAIRMAN TOWARAK: Yes, we will.
47
48 OPERATOR: Okay. Our first comment is
49 from Darrell Vent, your line is open.
50

1 MR. VENT: Yeah, good afternoon -- or,
2 good morning.

3
4 I just wanted to give a little bit of
5 information, I guess, on communication there. I know
6 there's a FaceBook site for Federal Subsistence Board
7 and I'm on the Western Interior Regional Board and
8 Melinda Hernandez is our coordinator so I get most of
9 my information through her. And I know a lot of these
10 villages out here find it real hard to attend these
11 meetings or consultation. And a lot of times, you
12 know, the bigger villages with more money or, you know,
13 people that have more input tend to go to these
14 meetings more, so a lot of the little villages are left
15 out like, for example, maybe Hughes, probably Alatna.
16 I know Allakaket has a little bit of representation.
17 Nulato, I see they're down there. And a lot of times
18 it's just that, you know, our communication level is
19 there but we just don't have the money or the funds to
20 attend these meetings.

21
22 So that's my input.

23
24 And also we have, what you call,
25 conventions, I guess they do in other areas too, but I
26 know our convention starts at TCC and a lot of the
27 information could be, you know, kind of given around
28 those times of the year like in March, you know, tell
29 about the Federal Subsistence Board for consultation.
30 That's -- you know, that's pretty vital to our people
31 out here, consultation, because that's the only time we
32 get to air our information out. A lot of times we're,
33 you know, busy trying to argue for our subsistence out
34 here and it doesn't go anywhere because we're only at
35 an advisory capacity right now. But now that we're
36 getting more and more involved I hope that, you know,
37 this communication gets to the people in the villages.

38
39 Thank you.

40
41 CHAIRMAN TOWARAK: Thank you for your
42 comments.

43
44 OPERATOR: Our next comment is from
45 Jack Reakoff, your line is open.

46
47 MR. REAKOFF: Thank you, Mr. Chair.
48 I've said this before, there's too many tribes for OSM
49 to deal with on their own. There's the National Park
50 Service, the Federal Wildlife Refuge systems, the BLM,

1 they all have subsistence coordinators and a lot of
2 them are in the field. Each agency should be in charge
3 of certain communities and having contact on the phone,
4 face to face, attending tribal meetings, contacting and
5 keeping up on who the current tribal chiefs are; that's
6 how this information's going to get out. They need to
7 have certain -- break it down to where everybody has
8 responsibility for contacting the various tribes and
9 then feed all the information, reminding the radio
10 stations that the Federal Board meeting is meeting,
11 this is the number to call. They need to have these
12 area subsistence coordinators, they're all on Staff,
13 they need to utilize those to help in the tribal
14 consultation process.

15

16 Thank you.

17

18 CHAIRMAN TOWARAK: Thank you, Mr.
19 Reakoff. I think people have made notes of your
20 comments and we appreciate your observation from that
21 side.

22

23 Any questions. Any further questions.

24

25 MR. C. BROWER: Mr. Chair.

26

27 CHAIRMAN TOWARAK: I have a general
28 question with regards to the proposals. As we review
29 them, we go through them region by region, do each of
30 the RACs receive specific copies of your particular
31 regional proposals that we're going to be covering.

32

33 MR. LOHSE: Yes.

34

35 CHAIRMAN TOWARAK: You do.

36

37 MR. LOHSE: The answer to that would be
38 yes.

39

40 CHAIRMAN TOWARAK: I wonder if that
41 same information could go out to the regional non-
42 profits. The regional non-profits are coordinators for
43 all of the tribes in the villages. Like in Kawerak's
44 case, they take care of all the villages in the Norton
45 Sound, including St. Lawrence Island and Elim and a
46 couple of villages that don't belong to the regional
47 corporation. But if they knew specifically that we
48 are going to be covering proposals that affect their
49 regions, I know they would have more interest in what
50 the Federal Subsistence Board is doing. So if we can

1 make sure that they know about that, I think it would
2 be a good way to communicate. They, in turn, can
3 individually connect with their local tribes.

4
5 Anything else further.

6
7 (No comments)

8
9 CHAIRMAN TOWARAK: If not, thank you
10 very much Crystal.....

11
12 MR. C. BROWER: Wait, wait, I have a
13 question.

14
15 CHAIRMAN TOWARAK: Oh, I'm sorry.

16
17 MR. C. BROWER: Mr. Chair, thank you.

18
19 Crystal, I just have a question, this
20 is an action item and in your request you stated that
21 you have two issues to our attention. One being
22 whether consultation with tribes and ANCSA Corporations
23 may occur with the public attendance, I have some
24 problems with that. Are those going to be introduced
25 into the policy or what -- I don't have a problem with
26 the second, providing information gained during
27 consultation process to Regional Council. If this
28 action item is to be voted on, are these two
29 recommendations going to be inserted into the policy or
30 what? Because earlier, as stated, there is always
31 mixed feelings between the tribal and ANCSA
32 Corporations, they're both tribal members, they're both
33 shareholders, but at the same time the entity is
34 different. One governs the other. And I'm just
35 curious whether your issues brought to our attention,
36 will be incorporated into this policy.

37
38 Thank you.

39
40 MS. LEONETTI: Through the Chair. Yes.
41 The ANCSA Corporations policy is before you today to
42 adopt and put into motion. Although I will say we've
43 been essentially practicing that policy since the
44 tribal policy was adopted in 2012. ANCSA Corporations
45 representatives have attended, though sparsely, the
46 tribal consultations of the Federal Subsistence Board
47 throughout the last couple of years and -- and it's
48 been congenial and professional and so, yes, the -- the
49 two documents that are before you, the implementation
50 guidelines for the tribal policy and the ANCSA

1 consultation policy are for the Board to adopt today.

2

3 Did that -- I -- did that answer.....

4

5 MR. C. BROWER: No, I'm just trying to
6 find out, they may occur with a public -- public
7 meeting, the shareholders and the tribal members; is
8 that right?

9

10 MS. LEONETTI: As far as the closed
11 meetings, closed consultations?

12

13 MR. C. BROWER: The issues you are
14 bringing into is whether consultation with tribes and
15 consultation with ANCSA Corporations may occur with
16 public attendance is what I'm trying to say.

17

18 MS. LEONETTI: Right. So -- but tribes
19 and corporations may bring representatives that they so
20 choose. So they can bring tribal members and
21 shareholders with them but what we're trying to
22 accomplish is that any member of the public doesn't
23 come and speak on behalf of their tribe without being
24 officially appointed by a tribal government or an ANCSA
25 Corporations.

26

27 And I'll just use myself as an example.
28 I'm a tribal member of Curyung in Dillingham but I
29 don't sit on the tribal council and I'm not staff of
30 that tribe so I can't come and speak on behalf of that
31 tribal government. That's just as an example.

32

33 I'm not sure if I'm answering your
34 question though.

35

36 MR. C. BROWER: I'll let it go but I
37 have some concerns, thank you.

38

39 MS. LEONETTI: Okay.

40

41 CHAIRMAN TOWARAK: Did you have a
42 comment.

43

44 MR. CHRISTIANSON: Well, I was just
45 trying to get clarification for Charlie here. I think
46 he's wondering if the public's going to be involved in
47 that meeting basically, right.

48

49 MR. C. BROWER: Yeah.

50

1 MR. CHRISTIANSON: And I.....

2

3 MR. C. BROWER: You know, one or two is
4 not a public, that's what I'm trying to get at.

5

6 Thank you.

7

8 MR. CHRISTIANSON: Well, and I think,
9 Mr. Chair, there was also some questions about that
10 representation even as we had our consultation.
11 Because some people sat in the circle that represented
12 multiple tribes and some people who represented
13 multiple tribes may or may not have been allowed in, to
14 sit in that consultation. So I think there's still
15 some specifics that need to be worked out.

16

17 But through this whole consultation
18 process, I'm a strong proponent that, a lot of this has
19 got to fall back on the tribes and how serious these
20 issues are for them and pick the ball up and show up to
21 the meeting or call in, and that's coming from a rural
22 resident who works for a tribe who doesn't have enough
23 money to send a representative here either. And if you
24 sit in those offices and you manage the paperwork, you
25 get about 20 to 30 consultation papers probably a
26 month, every agency that's involved and they all look
27 the same. So one of my recommendations was maybe you
28 snap a fish and a deer on the front of our consultation
29 paper so they know it means something.

30

31 (Laughter)

32

33 MR. CHRISTIANSON: Just to decipher
34 what that consultation looks like when it comes in the
35 door, it's about your food and it's important, and so
36 the prioritization. Again, like what Beth says, a
37 little bit onus has got to fall back on the people who
38 want to consult and want to be heard and I challenge
39 those people to get those comments in and be a part of
40 the process because it's important and your words carry
41 a lot of weight, whether you're an individual or a
42 tribe, please involve yourself in the process.

43

44 Again, informing yourself is where the
45 power is.

46

47 CHAIRMAN TOWARAK: Go ahead, Crystal.

48

49 MS. LEONETTI: Thanks, Mr. Christianson
50 for those comments, especially about representatives of

1 regional non-profits, regional consortiums. The
2 workgroup members that have been here in attendance
3 this week have discussed that because it came up on
4 Wednesday and that's something that we need to take up
5 at our next workgroup meeting and figure out how to
6 make that work the best, as Mr. Towarak also eloquently
7 suggested. So we'll be working on that too.

8

9 CHAIRMAN TOWARAK: Thank you.

10

11 MR. CHRISTIANSON: I think Bud wanted
12 to say something like three times ago.

13

14 CHAIRMAN TOWARAK: Bud, go ahead. Mr.
15 Cribley.

16

17 MR. CRIBLEY: Thank you. Well, first I
18 wanted to thank Crystal and Rosemary also for the work
19 that they have done here. I have a little bit of a
20 perspective of what it takes to do something like this,
21 particularly working with a very diverse group and it
22 is a challenge but you have been very successful in
23 what you've brought forward to the Board.

24

25 The question I've got right now is as
26 much process as anything. The first thing is, is trust
27 responsibilities is probably one of the most important
28 responsibilities that Federal leadership has here in
29 Alaska, and we take it very seriously and understand
30 the importance of it and understand the importance of
31 being successful at it because if we're not successful
32 at it then we're not going to be successful in our jobs
33 and doing what we should be doing in managing public
34 lands and public resources.

35

36 And that kind of leads into the
37 question I've got, is we haven't heard anything from
38 the Office of Subsistence Management, or Gene, from the
39 standpoint of his perspective of the policy, the
40 proposed process that's being laid out and what his
41 thoughts are or if his office has looked at this and
42 have comments on it and just what it's going to take to
43 implement this; if he has a perspective on it or
44 concerns or thoughts on it.

45

46 MR. PELTOLA: Yes, thank you, Mr.
47 Chair.

48

49 Yeah, Bud, OSM had been involved over
50 the three year course of this effort, more so here

1 recently probably in the last six months. We did have
2 some concerns that we expressed to the implementation
3 workgroup, I think those were addressed and worked and
4 hashed out. The way the process was designed, we
5 appreciated the effort that Crystal and the group put
6 into it, the Program really appreciates the effort in
7 the sense that when we first started this we really
8 didn't have a Native liaison in place. Then we had the
9 position filled where he determined the best for he,
10 his career, his family to take a different position,
11 and now we have Orville on staff. The value of having
12 Orville on Staff is we have a Native liaison within OSM
13 that has over three decades of experience in this
14 realm. We intend to utilize that experience fully and
15 we look forward to looking upon, if the Board chooses,
16 during the action items, to accept these guidelines, to
17 having Orville work to implement those guidelines in
18 executing the Federal Subsistence Board tribal
19 consultation policy.

20

21 MR. CRIBLEY: Thank you. The second
22 question I've got and this is for the Chairman, is just
23 what are the next steps here. And I'm curious about
24 the fact that the working group has submitted this
25 submission to the Board, are we to act on this today or
26 take it into consideration and then also -- I guess the
27 other question is, is just, the working group itself,
28 what's the disposition of that now that they've
29 submitted a report to us?

30

31 CHAIRMAN TOWARAK: Thank you, Mr.
32 Cribley. And my intention was to leave Crystal sitting
33 there and kind of guiding us through the process that
34 you would like for us to go. My assumption is that --
35 I'm assuming that the Board approves of the proposed
36 changes that you've got, procedures that you have, and
37 would one motion accepting both work. We don't have a
38 parliamentarian here, a legal parliamentarian.

39

40 MR. HARD: I so move.

41

42 (Laughter)

43

44 MR. CHRISTIANSON: Second.

45

46 CHAIRMAN TOWARAK: You heard the motion
47 and the second and I assume that the motion is to
48 approve the policies that the workgroup is proposing.
49 Is there any discussion on that motion.

50

1 MR. CHRISTIANSON: Mr. Chair.

2

3 CHAIRMAN TOWARAK: Go ahead.

4

5 MR. CHRISTIANSON: I guess under
6 discussion, the second part of Mr. Cribley's question
7 is, is where does the workgroup go from here and what
8 capacity to continue to maintain it and we've heard on
9 the floor it's a working, living document that's
10 probably subject to change and I don't know if
11 Crystal's willing to continue to either review the
12 process and its effectiveness or keep the working group
13 alive long enough to see if these implication
14 guidelines work for the public and for our process; I
15 don't know how long that is but I would assume it's
16 probably longer than a year seeing how it took three
17 years to put it together and there's still holes or
18 questions, even today, regarding this guideline.

19

20 So if we do accept it, is it accepted
21 as is subject to change or how do we amend it.

22

23 CHAIRMAN TOWARAK: My understanding,
24 Crystal, is when the organization was formed that it
25 was left open and could you comment on that.

26

27 MS. LEONETTI: Yeah, Mr. Chair. The
28 workgroup certainly has -- all of us have exhibited
29 tenacity and stamina in getting these documents across
30 the finish line but I think -- I'll speak for myself
31 and I would leave it up to the rest of the workgroup
32 members to decide, I'm committed to seeing it through
33 and insuring its success so I'd be willing to help
34 continue the work of this workgroup and evaluating its
35 effectiveness. But I would also suggest to the Board
36 that you might consider taking a look at the membership
37 and perhaps having a standing or ad hoc committee that
38 the membership can adjust over time as needed.

39

40 CHAIRMAN TOWARAK: Okay. We will leave
41 it with our Staff to review the makeup of the
42 membership of the working group.

43

44 Go ahead Gene.

45

46 MR. PELTOLA: Mr. Chair. I've heard
47 various discussions over the last several months with
48 regard to the workgroup itself. One, and I don't
49 advocate either of the two -- one, is that the
50 workgroup is established by the Board for a specific

1 purpose and if the Board votes to accept the
2 implementation guidelines for the Federal Subsistence
3 Board tribal consultation policy in addition to the
4 policy in regard to the corporations, that that charge
5 has been fulfilled. If they choose to accept both of
6 those, those would be forwarded on to OSM for
7 implementation.

8

9 The second mode of speak, so to speak,
10 I've been exposed to, is that to maintain some capacity
11 of the workgroup to review on an annual basis. In the
12 document it says it's a living document, be reviewed
13 annually. That is a different option.

14

15 What I would propose is that the Board
16 had asked Crystal to step up in the absence of OSM
17 having a Native liaison, if the Board chooses to go
18 with the latter of maintaining the committee -- or the
19 implementation workgroup together, I would ask that the
20 Native liaison for OSM, who is involved in the day to
21 day tribal consultation for the Program be
22 significantly involved, if not, become the co-Chair of
23 the workgroup.

24

25 CHAIRMAN TOWARAK: Any comments from
26 the Board. Remember we have a motion on the floor to
27 accept the Staff's -- or the working group's proposal
28 for procedures.

29

30 MR. CRIBLEY: Mr. Chairman. I guess
31 listening to the two recommendations that Gene just
32 made, I guess when I came into this, had it in mind,
33 that we were kind of on the path of the first
34 suggestion, is the fact that the working group was put
35 together to make these recommendations, and that they
36 would hand those recommendations off to us and we would
37 accept and then give those over to OSM to then
38 implementation and it would be their responsibility for
39 the implementation of that. And I hate, just from a
40 process standpoint, to continue to have these various
41 different working groups kind of hanging out there, and
42 the obligations that that creates for them. And as
43 Gene said we now have a tribal consultation coordinator
44 on the OSM Staff that should be charged with responsib
45 -- he, and the coordinators, responsible for the
46 implementation of this, and I think, just from an
47 efficiency standpoint and just with everybody doing
48 more -- about 12 times as much time as they have to do
49 stuff, it'd be more efficient just to handle it that
50 way from my perspective.

1 We could go either way, or be flexible
2 on that.
3
4 CHAIRMAN TOWARAK: We're going to be
5 decisive.
6
7 MR. CRIBLEY: Oh, well, that too.
8
9 CHAIRMAN TOWARAK: I think what we will
10 do -- and the motion on the floor is just to accept the
11 proposals by this working group and I assume that the
12 process, in my mind, is that we will hand these over to
13 the Staff and they're going to be implemented, and I
14 think that's where the future of any other working
15 group or the same working group is going to be selected
16 by, or recommended by the Staff to the Board on the
17 makeup of that group, after looking at the
18 implementation of the procedures.
19
20 Is that fair.
21
22 (Board nods affirmatively)
23
24 CHAIRMAN TOWARAK: Any further
25 discussion on the motion.
26
27 MR. C. BROWER: Question.
28
29 CHAIRMAN TOWARAK: Question's been
30 called for, all in favor of the motion say aye.
31
32 IN UNISON: Aye.
33
34 CHAIRMAN TOWARAK: Any opposed say nay.
35
36 (No opposing votes)
37
38 CHAIRMAN TOWARAK: The motion passes
39 unanimously.
40
41 Thank you, very much, Crystal, for all
42 the work that you've done.
43
44 MS. LEONETTI: My pleasure, thank you.
45
46 CHAIRMAN TOWARAK: We've been going for
47 an hour and a half, or almost two hours, I guess, so
48 I'm going to ask for a 15 minute recess.
49
50 (Off record)

1 (On record)

2

3 CHAIRMAN TOWARAK: I will call this
4 meeting back to order. We had finished Item 7, tribal
5 consultation. Our next item on the agenda is wood
6 bison update and it looks like we have Staff up front
7 for the update.

8

9 MR. MCKEE: Good morning, Mr. Chair.
10 Members of the Board. RAC Chair members as well. My
11 name is Chris McKee and I'm a member of the Wood Bison
12 Management Working group. I'm here today to give you
13 kind of a quick overview of our management plan as it
14 stands now.

15

16 First off I wanted to go into a little
17 bit more detail on who makes up the Wood Bison
18 Management Team, but it suffices to say it's made up of
19 quite an eclectic mix of people with a pretty diverse
20 and disparate viewpoints on a lot of issue, including
21 tribal, Native Corporation, Federal and State entities,
22 local community members and land owners, hunting and
23 industry interest groups. And so it was quite a feat
24 for us all to get together and come up with a plan that
25 everybody could agree with and be happy with and I was
26 actually really pleased with the way it turned out.
27 There was a lot of frank and open discussions
28 throughout the meeting about what everybody was looking
29 for and I think that -- and it's an ongoing process,
30 certainly, but I think that everybody that's
31 participated so far has had nothing but positive to
32 things to say about it.

33

34 The wood bison are the largest native
35 terrestrial animal in the Western hemisphere with adult
36 bulls weighing up to 2,000 pounds or more and they
37 roamed Alaska for about 10,000 years but gradually
38 disappeared from the area about one to 200 years ago.
39 Interest in reintroducing the species to the state has
40 been around since the early 1990s. Wood bison are
41 currently listed as threatened under the Endangered
42 Species Act and the ESA requires a range of protections
43 for a listed species and its habitat. ADF&G and the
44 Fish and Wildlife Service worked quite diligently to
45 develop a new rule which was published in May of 2014
46 to designate wood bison as a non-essential experimental
47 population under Section 10(j) of the ESA. This
48 designation allows adoption of regulations including
49 certain kinds of take to provide for the conservation
50 of the species. It also gives primary management

1 responsibility to the Alaska Department of Fish and
2 Game to lead and implement the restoration effort. And
3 a non-essential experimental population is one that's
4 -- it's defined as one whose loss would not reduce the
5 likelihood of survival of the species in the wild.

6

7 The 10(j) rule is a good sized document
8 so I'm not going to go over everything in it but I just
9 wanted to highlight a few things in it.

10

11 So under the 10(j) rule regulated
12 hunting is allowed. Activities such as resource
13 development, hunting, trapping and recreation are also
14 allowed. Designation of critical habitat under the ESA
15 is not allowed. The animals may be removed if the
16 introduction effort fails or litigation changes the
17 legal status of the heard. Again, to repeat, the
18 Department of Fish and Game is the lead agency for
19 reintroduction of the bison management and management
20 of the herd will be guided by the Federal final rule,
21 the associated environmental assessment, the ADF&G
22 environmental review and this management plan that you
23 have there in your supplemental documents.

24

25 I also need to make clear that
26 obviously like most management plans, this is a living
27 document, it's going to evolve as we see how the
28 animals do once they're released.

29

30 A little bit about the meeting.

31

32 The management team has met for two
33 different two day sessions so far here in Anchorage
34 that were facilitated by Dr. Alistair Bath of Memorial
35 University in Newfoundland, Canada. He's worked with
36 quite a diverse group of people. He's worked with some
37 entities in the Middle East that can come together and
38 come to some agreements on some quite divisive issues
39 so his skills were really impressive and I think that
40 he can take a lot of credit for how smoothly and how
41 well the meetings went. And it was at these meetings
42 that the group was tasked with developing the
43 management plan for the species.

44

45 Key issues and obstacles were
46 identified along with a series of goals and I'm just
47 going to go -- I'm not going to, you know, quote the
48 whole document, I just want to go quickly over the
49 seven goals that we came up with and kind of go into
50 detail on a couple of them.

1 Goal No. 1 is establish a wood bison
2 herd in the Lower Innoko Yukon River area and manage it
3 for long-term viability. The release date at this
4 point is for March 23rd. A lot of money has been
5 donated by groups for this effort and I understand -- I
6 was told a couple days ago that Lynden Transport has
7 donated, I think, about \$100,000 worth of transport for
8 this effort so it's not cheap. If you can imagine
9 trying to get wood bison into holding pens onto a C-
10 130, you can imagine the challenges that are --
11 logistical challenges are going to be posed for this
12 effort.

13

14 The plan is to transport between 40 and
15 100 wood bison to Shageluk starting in March for
16 release into the wild. It's going to be what we refer
17 to as a soft release. They're going to be put into a
18 holding pen there because it does take a little bit of
19 time, obviously, for the animals to calm down once
20 they've been flown to an area and once they are used to
21 the area then there will be a release into the wild.

22

23 There's close monitoring and
24 conservative management of the herd during initial
25 years of release. ADF&G will be conducting ongoing
26 field surveys to monitor the herd's status. Conduct
27 forage assessment surveys and insure that any future
28 harvest of the herd is done at a level that does not
29 prevent growth and expansion of the herd into others of
30 suitable habitat.

31

32 Also to maintain separation of wood
33 bison from plains bison, even though there's not a herd
34 of plain bison very close, that's definitely something
35 that we wanted to be very explicit about.

36

37 And also conduct routine disease
38 testing to monitor health, although I should mention
39 that these animals are certified as being disease free,
40 that was a major part of the reintroduction effort.

41

42 Goal No. 2 is to insure adequate
43 funding, obviously, and staffing for all phases of the
44 wood bison management.

45

46 Goal No. 3 was to minimize conflicts
47 between people and wood bison. There was a lot of
48 concern that was brought up about -- between a lot of
49 members on the team about, you know, what kind of
50 potential conflicts there were -- could be between

1 people, how aggressive wood bison are compared to other
2 animals out there.

3

4 Goal No. 4 was to encourage cooperation
5 among land managers to insure reasonable standardized
6 access to wood bison. One of the things that we're
7 still going to talk about is the actual access on to
8 the land. Now everyone on the team has agreed to
9 access, what we're working out next week when we'll be
10 meeting is to kind of try to hammer out some of those
11 details, but the idea of access has already been agreed
12 to by the land owners that are involved in this plan.
13 So that's kind of the, the devil's in the detail,
14 certainly, but those things I have full confidence that
15 that'll be worked out at our next meeting.

16

17 Now the next goal that I'm going to go
18 into a little more detail is one that obviously has a
19 lot of intention and that's Goal No. 5, managing
20 harvest allocation to equitably benefit local
21 residents, non-local residents, and non-resident
22 hunters. Notice the word equitable, I didn't say
23 equal. The team agreed that equal access was not going
24 to be possible just given the disparate locations of
25 people and we wanted to make sure to distinguish
26 between equal access as opposed to equitable so that
27 everybody has a fair shot at using the resource and
28 whatever that might be.

29

30 So a hunting allocation system that
31 insures the equitable and reasonable hunting
32 opportunity to local communities as well as to a
33 broader segment of the hunting public is what was
34 preferred by the management team. Enforce regulations,
35 encourage voluntary actions, the result in no wasting
36 of meat. That was another very important issue brought
37 up, especially among local community members. Allocate
38 20 percent of the harvest under a State limited
39 registration permit to be issued in the villages of
40 Grayling, Anvik, Shageluk and Holy Cross and allocate
41 80 percent of the harvest under a State drawing permit
42 hunt of which 90 percent will be reserved for
43 residents.

44

45 Open the first hunting season when the
46 size and productivity of the herd allows for a harvest
47 of a minimum of 20 bisons so that each of the GASH
48 villages will be eligible for one permit each.
49 Encourage all hunters, especially non-local hunters to
50 share clean, well-cared for meat with local

1 communities. Establish hunting regulations that would
2 avoid simultaneous hunting of wood bison and moose and
3 then delay State and Federal C&T determinations until a
4 hunt history has been established and data are
5 available regarding harvest and use patterns.

6
7 Goal No. 6 was to minimize the impact
8 of wood bison on other species an the ecosystem on
9 which they depend. One of the ways we want to do this
10 is to insure that only certified weed free hay is used
11 for supplemental feeding of bison. And I should also
12 note that these animals are already feeding on
13 certified weed free hay long before they're ever
14 introduced in the field so it's not like we're going to
15 feed them something different before they get out
16 there, then they get out there and carry something in
17 their systems, and introduce something like invasive
18 plant species. That was a concern that was brought up
19 by team members. So they're already feeding on this
20 certified weed free hay and they're going to continue
21 to do so during the time in which they are confined,
22 during their initial introduction. Also to conduct
23 field inspections for invasive plant species at
24 supplemental feeding sites and to monitor wood bison
25 interactions with their habitat and other species in
26 the area.

27
28 And, then, finally, Goal No. 7 was to
29 insure continued communication among all user groups
30 and obviously the meeting of the Bison Management Team
31 will go a long way with that.

32
33 So that's my presentation and in just a
34 second I want to hand it off to Mr. Greg Roczicka who's
35 a member of the YK RAC and then Robert Walker with the
36 Western Interior RAC would like to discuss some of the
37 more local concerns.

38
39 But what we're hoping to get out of the
40 Board here is actually an action item from you folks to
41 endorse the release of the bison into the areas that
42 I've just described. That is the most time sensitive
43 matter on our schedule because obviously, you know,
44 it's the end of January now and we're talking about,
45 you know, maybe another six or seven weeks until the
46 release and so that's the most important thing that
47 we're looking for out of the Board at this time.

48
49 So that's what I have. That's the end
50 of my presentation. I'll turn it over to Greg unless

1 anybody has any questions.

2

3 Thank you.

4

5 CHAIRMAN TOWARAK: We have one
6 question.

7

8 MR. KAHKLEN: Just to clarify, the
9 proposed release date would be May 23rd?

10

11 MR. MCKEE: Yes. March 23rd.

12

13 CHAIRMAN TOWARAK: Just out of
14 curiosity, what do you think's going to be our -- or
15 maybe the other two are going to address this, but
16 what's going to be the biggest predator for these
17 animals?

18

19 MR. MCKEE: Well, that's also something
20 that was brought up. It's hard to say. Wolves are a
21 predator to plains bison in other areas but it's also
22 been indicated that in other areas in Canada where
23 these bison have been released, it takes, I think, the
24 number I heard was up to between 15 and 20 years before
25 the wolves figure out how to bring these animals down.
26 So I don't -- nobody can really know what's going to
27 happen, obviously, but the available data that we have
28 and studies from other areas indicate that it does take
29 quite a while, so we're not expecting predation to be
30 too big of a concern, initially.

31

32 CHAIRMAN TOWARAK: Mr. Lohse.

33

34 MR. LOHSE: Through the Chair. I've
35 just been looking at the map that you have right here,
36 and if I remember right, McGrath has got a fairly big
37 plains buffalo herd at McGrath, don't they have a --
38 they even have a buffalo hunt in the McGrath area, am I
39 correct on that.

40

41 MR. MCKEE: It is, yes.

42

43 MR. LOHSE: And I mean from my
44 standpoint, and I'm just thinking of the buffalo that
45 have been in the Copper Basin and the Chitina Valley,
46 that really doesn't look that far apart, and is that
47 release site fairly close to the Donlin Mine area that
48 they're talking about. It looks like it's up above the
49 Kuskokwim, and I'm not sure where that mine site is
50 that they're talking about but it looks like it's

1 almost in that same area, is it?

2

3 MR. ROCZICKA: Yeah, the release site is
4 on the lower portion of the Innoko right before it gets
5 into the Yukon, those four villages are located in that
6 point. In between is the Innoko Wildlife Refuge and
7 Donlin Creek sits right over the drainage on the
8 Kuskokwim side over on the other side of the hills.

9

10 MR. LOHSE: So it is fairly close to
11 the Donlin drainage.

12

13 MR. ROCZICKA: Yeah, mileage-wise, I'm
14 not sure, Buzzy, you fly that.....

15

16 MR. PELTOLA: About 90 to 100
17 miles.....

18

19 MR. ROCZICKA: Yeah.

20

21 MR. PELTOLA:as the crow flies.

22

23 MR. ROCZICKA: I was going to say 75,
24 so, yeah.

25

26 MR. LOHSE: Thank you.

27

28 CHAIRMAN TOWARAK: Go ahead.

29

30 MR. MCKEE: I should add that wood
31 bison aren't necessarily a migratory animal in the
32 sense of caribou, they certainly do the -- the herd in
33 Delta migrates, I think it's about 30 or 40 miles
34 between, you know, calving sites and another area so
35 they certainly migrate but their movements aren't
36 nearly as dramatic as say a caribou herd would be.
37 And, again, I should add that these animals will be
38 closely monitored. They'll be collared and there's
39 going to be extensive monitoring of the herd upon
40 release. So they'll be fully aware, I think, of their
41 movements.

42

43 MR. ROCZICKA: If I could, maybe add to
44 that, too, on that concern, it was discussed at length
45 through the course of the meeting and bison are fairly
46 picky on where they go, they're fairly predictable on
47 what kind of habitat and browse that they use and
48 there's a -- going up the Innoko and towards the
49 Kuskokwim side where Donlin is there's a long stretch
50 of country that really doesn't fit in where a bison

1 would really want to be to get something to eat.

2

3 CHAIRMAN TOWARAK: Was that part of the
4 consideration in making -- in selecting the area where
5 they're going to be transplanted to, is the feed that
6 they would have naturally?

7

8 MR. MCKEE: Yeah, there initially -- I
9 believe there were three different sites that were
10 identified as potential areas for introduction and,
11 yes, so the potential habitat for the species obviously
12 played a big factor in where an introduction would take
13 place.

14

15 CHAIRMAN TOWARAK: Any further
16 questions.

17

18 (No comments)

19

20 CHAIRMAN TOWARAK: Then we will hear
21 from Mr. Roczicka.

22

23 MR. ROCZICKA: Quyana, Mr. Chairman.
24 Board members. Other RAC members. I just got to say
25 for the record, while I was appointed by my Chair to
26 represent the RAC for this effort, which he's kind of
27 prone to do, given my background is mainly in the
28 wildlife issues over the years.

29

30 But also our RAC has not actually met
31 to take any formal action on this yet. The first
32 meeting occurred right before our first RAC meeting and
33 we won't have another one until the end of February but
34 I have taken an opportunity through the meeting season,
35 it starts in October, within our region, to talk to
36 other RAC members as well as community members that may
37 be most affected up around the Kalskags and Russian
38 Mission, Aniak, Chuathbaluk as well as, you know, other
39 area communities down below the Kuskokwim, and the two
40 main concerns that people brought out, about the
41 aggressiveness and what the -- since we've had a few
42 occasions of muskox that wander up that way and trample
43 dog teams and those fears were pretty much put to rest
44 in that bison don't tend to follow, they tend to make
45 their own trails, they won't, as moose do, want to
46 follow established snowmachine trails. The other item,
47 of course, was what competition or negative effects
48 they might have on moose populations and they're also
49 -- those fears were very well addressed in that bison
50 and moose do utilize entirely different browse to my

1 understanding, as well as different habitat areas so
2 there would not really be that conflict.

3

4 And so once I laid that out I did not
5 have one person that I spoke to anywhere that had any
6 major concerns about it.

7

8 So filling that in -- I don't believe
9 there would be -- I can't, again, speak for the RAC,
10 but in matters like this where you have a cross region
11 issue and something that doesn't substantively affect
12 your region, as in this case, you know, the YK Delta as
13 compared to the Western Interior, we tend to defer to
14 the Regional Council within the other area when it's in
15 -- or the local villages and we want to support -- we
16 heard -- is kind of unprecedented as far as the local
17 land holders and the area villagers and Robert will
18 speak more to that, of course.

19

20 And along those lines, you know, I've
21 been -- as most of you know I've been dealing with
22 management issues at State, Federal, tribal interaction
23 level for pushing 30 years now and I got to tell you,
24 I'm impressed with what has come out here. I was part
25 of the first one -- we used to call them cooperative
26 management plans, or co-management plans, there's
27 different labels, but always that aspect was put in.
28 The first one we did was in '88/89 for the Kilbuck
29 Caribou, that took us a year and a half and monthly
30 meetings in some cases, and also required getting the
31 blessing up to the Assistant Secretary's level out of
32 DC. And I haven't seen one yet that's taken under a
33 year and the participation in this by groups that are
34 often on polarized ends of the spectrum on so many
35 other issues coming to agreement here, I would say is
36 really impressive.

37

38 So I'd just encourage you guys to
39 follow up on that. We did have the Chairman of the
40 Game Board there. We didn't have the Chairman of the
41 Federal Board there but I guess that's what the RACs
42 are for to bring that forward, and I would certainly
43 expect that if it's necessary for that, and whatever
44 administrative hoops you guys process, you need to jump
45 through, that there would be no problem with the YK RAC
46 taking that action to endorse it and I would hope you
47 -- the rest of you would, too, to the greatest extent
48 practicable.

49

50 Thank you, sir.

1 CHAIRMAN TOWARAK: Just out of
2 curiosity, has anybody in your region ever tasted
3 bison?

4
5 MR. ROCZICKA: There are a few, yes,
6 actually. A few folks that have gone up for the
7 McGrath -- have put in for the McGrath hunt, that's one
8 of those -- it's a drawing hunt, I think it's kind of
9 like a once in a lifetime thing and I believe we got
10 somebody down there that actually got two of them over
11 the course of 15, 20 years.

12
13 CHAIRMAN TOWARAK: And maybe back to
14 Chris -- I know initially there won't be any game
15 hunting on any of this -- the wood bison herd, for
16 awhile, but how long do you think it would take before
17 something like that could happen?

18
19 MR. MCKEE: That was a very -- that was
20 a common question and one that is hard to answer.
21 Obviously, like I said, the herd is going to be closely
22 monitored and it's just a matter of finding out how
23 they respond to being out there and how the herd grows
24 in response to their new habitat. So I don't want to
25 put a timeframe on when it would be. Obviously since a
26 lot of people are investing a lot of money they do want
27 to see a harvest occur sooner rather than later but
28 everybody has agreed, you know, whenever that does
29 happen it'll be done under sustained yield principles
30 and it's not going to happen until it's a viable option
31 so I can't really say at this point.

32
33 One thing I'd like to add, and Greg
34 brought it up, that the competition between moose and
35 bison was brought up and just to say that, you know,
36 moose are browsers and bison are grazers so they
37 utilize a different area of vegetation and so in that
38 respect, the competition between the two species is not
39 expected to be an issue.

40
41 MR. LOHSE: Mr. Chair.

42
43 CHAIRMAN TOWARAK: Go ahead.

44
45 MR. LOHSE: Could I ask Chris one more
46 question.

47
48 CHAIRMAN TOWARAK: Yes.

49
50 MR. LOHSE: You know I'm looking at

1 your Figure 2 the Alaska Wood Bison non-essential
2 experimental population area, and the lower Innoko
3 Yukon River release site, and then I looked at the old
4 map as to where their location had been. Is it the
5 intention that this is an initial release site and this
6 whole area is available for them to spread out into in
7 the future and we may be talking a future of 100 years
8 or 1,000 years or whatever, the thing that I -- the
9 only problem that I can see in that, if that's the
10 case, is one of the things that you're trying to do and
11 that I understood were trying to do is to, to a certain
12 extent, maintain the wood buffalo genetics. And in
13 that area that you have right there, you've got at
14 least two fairly major plain buffalo herds that are
15 currently viable, I mean that are currently maintaining
16 themselves having a sustained yield on it and
17 everything else, if this -- if this is a successful
18 transplant and they start multiplying to the point
19 where you can make different release sites or they
20 start spreading, let's say they start spreading towards
21 where there's already an established plains buffalo
22 herd, would it be -- in order to prevent the mixing,
23 would it be the intention then, since the plains
24 buffalo are not indigenous, for a lack of a better way
25 of putting it, to the State of Alaska, in order to
26 protect the woods buffalo, would it be the intention
27 then to eliminate the plains buffalo?
28

29 MR. MCKEE: No. That wasn't something
30 that I ever remember being brought up but I wouldn't
31 expect that, no. But, again, nobody really knows just
32 how they're going to react to being out there, you
33 know, whether they'll expand or not, whether it's going
34 to be successful, how long that will be. So I wouldn't
35 expect that to be an immediate concern anyway. And
36 especially given, like I say, the limited range of the
37 species I think if that was a concern that would be
38 something that would be quite long out into the future.
39

40 MR. ROCZICKA: To follow up a little
41 bit, Mr. Chair.

42
43 CHAIRMAN TOWARAK: Yes.

44
45 MR. ROCZICKA: I was looking at that as
46 far as down the road, 20, 50, 100 years, whatever, the
47 habitat I've seen identified is going to be more
48 conducive to them actually moving south and east
49 possibly on to the Yukon Delta Refuge along that south
50 side of the Portage Mountains which would put them over

1 into 18 has potential for harvest there but like I say
2 I think there's a long stretch of habitat to get to the
3 Kuskokwim side and across up into the headwaters of the
4 Alaska Range where those plains bison currently
5 circulate up there around by Farewell.

6
7 MR. LOHSE: Thank you. The only reason
8 I even ask this is because we have the Copper River
9 release site that was released on the Copper River, we
10 have some buffalo at the head of the Chitina River. We
11 had buffalo when I first came to the middle of that
12 area, we had buffalo that actually traveled, we're not
13 sure whether they traveled from the upper Chitina
14 Valley through McCarthy to the Copper River or they
15 traveled from the Copper River through McCarthy to the
16 upper Chitina Valley and you're talking a good 75 miles
17 there or maybe closer to 100. And single bulls are
18 like single moose bulls, they may travel a long way and
19 that would be the only reason I even brought it up.

20
21 MR. MCKEE: I would just say further
22 that in the final rule, one of the criteria for site
23 selection was that the release sites were located far
24 enough from areas occupied by plain bison, that
25 hybridization wouldn't be an issue. So that's one of
26 the criteria for selecting this site in the first
27 place.

28
29 MR. R. WALKER: Yes, also to add to
30 that. You know you're looking at two mountains to
31 cross, three rivers to cross and it is 144 air miles to
32 McGrath from Shageluk and Grayling and Anvik so you're
33 looking at 30 miles more to the Farewell, so you're
34 looking at like 150 air miles, and I don't know how
35 many miles that would be on the trail, Iditarod Trail,
36 you know, you'd have to take a look at that. That
37 would be a very good indicator on that.

38
39 You done Greg.

40
41 MR. ROCZICKA: Yeah.

42
43 MR. R. WALKER: Thank you, Greg.
44 Chris. Mr. Chairman. Members of the Board. For the
45 record my name is Robert Walker, I'm with the Western
46 Interior RAC. I'm also the second chief for our tribe
47 in Anvik.

48
49 Being invited to this management
50 meeting here for the management plan that we put

1 together by Rita St.Louis and other members of OSM has
2 a very device [sic] group here that I never ever
3 encountered all my years of being on the RAC and being
4 on the AC Board, I never ever had a chance to sit down
5 with these groups like the Outdoor Council, Anchorage
6 Advisory Committee, the Big Game Commercial Services
7 Board, Board of Game, Doyon Limited, Fairbanks Advisory
8 Committee, and Matanuska Valley Advisory Committee, I
9 mean these are things you don't ever -- you hear, but
10 you never sit by them and you never get a chance to
11 talk to these people because we're so far split and
12 money, cost-wise to go to their meetings, Yukon Delta
13 RAC, you know, I've never been there, Safari Club
14 International Alaska Chapter, I mean these guys are
15 very interested in what's going to happen to this wood
16 bison. We all sat there for four days, two months,
17 October and November. I didn't use my position as a
18 tribal member or a RAC member for anything, but I was
19 very interested to realize that they came to the Feds,
20 to our RAC and asked if we would like to partake in
21 this, working this out. I was very impressed. You
22 don't get to meet the Board of Game at any time, or
23 speak to them at any time unless you're going to a
24 Board of Game meeting and you got a proposal to
25 present. But I was very impressed that we were asked
26 to partake and, you know, give, the Federal Board on
27 what happened. But it is going to be a lengthy
28 process.

29
30 I believe, you know, Chris here, too,
31 and Rita St.Louis working this and the other
32 biologists, I am really very, very honored to be here
33 to see something that we would never see introduced
34 into our region probably ever again. But this could be
35 the first step into many other regions that this could
36 be done. Once this works, in the next 20 years, our
37 tribes are not asking for anything. When I went to the
38 meeting I had a resolution in my hand stating if we
39 were left out, the tribes, the four villages, Anvik,
40 Grayling, Shageluk, and Holy Cross we were going to put
41 this into our Federal Board as a C&T but we didn't have
42 to. The ANCSA Corporations of Holy Cross, which is
43 Deloycheet, Anvik Delo Ges, Grayling Corporation is
44 Hee-yea Lingde and the Shageluk Corporation is Zho-Tsa,
45 and these corporations are going to work with the State
46 and where we're going to get 20 percent of whatever the
47 harvest is going to be, and plus we asked for a
48 customary and traditional ceremonial bison also. So
49 these are in the works. And we are -- like I said, we
50 are honored, and Chris here is very honored too.

1 And I'm going to cut this a little
2 short here now because everybody's going to say it's
3 soon going to be lunchtime here and whatever.

4
5 (Laughter)

6
7 MR. R. WALKER: It seems like I'm
8 always last when we come to conversations like this.

9
10 (Laughter)

11
12 MR. R. WALKER: Anyway is there any
13 questions from the Board or the RACs.

14
15 Mr. Chairman.

16
17 CHAIRMAN TOWARAK: Mr. Wilde.

18
19 MR. L. WILDE: Thank you, Mr. Chairman.
20 Earlier it was mentioned that you would be -- in the
21 event that this project is a success and you're able to
22 give out permits, you mentioned that there would be 12
23 permits given at the beginning of the -- depending on
24 the success of this program, and I just wondered if
25 there was going to be other villages that are going to
26 be able to get those permits.

27
28 Because we have a number of people from
29 Hooper Bay that go all the way -- do go all the way up
30 to that area and I've got to make sure that the project
31 isn't -- doesn't happen the same as our project with
32 the muskoxen that we tried at one time, and I don't
33 know if that's an ongoing process but as far as -- if I
34 had a choice between bison and moose, we always prefer
35 having the bison because of the meat. We do, I don't
36 know how Greg feels about that, but I, for one, prefer
37 bison meat as opposed to moose. And I just wanted to
38 make sure that I got that information back for when I
39 get back to the village, I want to be able to --
40 because that question is going to come up from our
41 tribal council; when are they going to be able to get a
42 permit, on request or -- providing that this project is
43 a success.

44
45 Thank you, Mr. Chair.

46
47 MR. MCKEE: Through the Chair. Mr.
48 Wilde. Well, initially, so far under the plan the
49 permits will be handed out in the GASH communities,
50 anybody can go in and try to get a permit at those

1 sites but initially the only areas in the local
2 communities where they'll be available will be in those
3 four GASH communities. So you could, in theory,
4 anybody, somebody from Anchorage, in theory, could fly
5 out to the communities and try to get a permit when
6 they're available so they are, in theory, available to
7 anybody but, you know, obviously we want to make them
8 available initially in the communities that'll be most
9 affected by the release initially. And that was a
10 really important part of the process so that local
11 users would feel like, you know, they had skin in the
12 game and were going to be able to have some
13 opportunity, a fair opportunity to be able to harvest
14 the resource when that time becomes available.

15
16 MR. R. WALKER: Mr. Wilde. Robert
17 Walker, again.

18
19 As of next week, the 28th of January,
20 there's going to be a four village corporation meeting
21 here to determine their trespassing version on to their
22 corporate lands set under ANCSA, so, you know, then
23 after that once that is established, once there are
24 permits to be issued, you'll have to get a permit to
25 travel on corporation lands, too, so there will be
26 things down the trail that will be -- everybody's going
27 to have to learn.

28
29 Mr. Chair. Thank you.

30
31 CHAIRMAN TOWARAK: Thank you. And I
32 liked your beginning comment about the diversity of the
33 group and it brought to mind -- I've had some
34 experiences with the Outdoor Council in my history.

35
36 But has there been -- assuming that you
37 folks are coming here to talk to the Federal
38 Subsistence Board makes me believe that there's going
39 to be some consideration for a subsistence use of the
40 bison in the future and under what regime would it be
41 considered at this point or would it be a combination
42 State system under State lands, and Federal -- the
43 Federal system under Federal lands; has that even been
44 talked about?

45
46 MR. MCKEE: You know, obviously
47 discussions about State and Federal harvest, you know,
48 was a very sensitive topic and something that was
49 discussed but initially, you know, one of the reasons
50 why we want -- that I encourage involvement and make

1 sure that local communities will have access to the
2 resource is to try to make sure that we can try to have
3 a holistic approach to this hunt and that everybody
4 will have a chance to harvest the resource if possible
5 rather than try to go to some State/Federal hunt
6 regime, that's -- I don't think that's what anybody on
7 the working group was necessarily wanting. We want
8 everybody to have a fair shot at the resource at this
9 point. Obviously nobody can predict what happens in
10 the future when the herd expands and goes into other
11 areas, some of which will probably be Federal land but
12 at this point, you know, that was one of driving forces
13 of the working group, to make sure that everybody will
14 have a fair shot at it and that we wouldn't have this
15 kind of partitioning of the resource.

16
17 So I don't know if that answers your
18 question well or not but.

19
20 MR. PELTOLA: Thank you, Mr. Chair. We
21 looked at that list and I just wanted to ask a question
22 for clarity sake.

23
24 There's a lot of different parties
25 involved, from the Federal aspect, the nearest
26 conservation units are Innoko National Wildlife Refuge
27 and Yukon Delta National Wildlife Refuge, and on there
28 we had you, from our office, participate on behalf of
29 OSM, and then we had Ryan Molneaux (ph) from the Fish
30 and Wildlife Service involved in this planning team,
31 and so the presentation today, what is the expectation
32 of the planning team, is it meant to be informational
33 or are you looking for endorsement, acknowledgement or
34 what's the intent?

35
36 MR. MCKEE: Well, like I said at the
37 beginning and maybe I was speaking too quickly because
38 I was trying to get a lot of information through, at
39 this point what we would really like is the Board to
40 take action to endorse the release of the herd. We're
41 not talking about the management plan at this point,
42 but the time sensitive nature of the release, obviously
43 like I said, we're talking about a release in March and
44 here we are at the end of January, so we'd really like
45 the Board to take action and endorse the initial
46 release of the animals.

47
48 Now, again, like I said, it's a soft
49 release, so we're not just flying them out there in C-
50 130s and opening the back of the plane and saying, run

1 out of there and good luck.

2

3 (Laughter)

4

5 MR. MCKEE: We're putting them in these
6 pens, feeding them and getting them used to the area so
7 it's a very, very careful and thought out process but
8 it is also of a time sensitive nature at this point,
9 just the way the scheduling of the Board meetings have
10 come so that's really what the management team at this
11 point is looking for out of the Federal Board, is an
12 endorsement of the release of the animals.

13

14 CHAIRMAN TOWARAK: Is that the end of
15 your report.

16

17 MR. MCKEE: That's all I have. I don't
18 know if Greg and Robert have anything more to add but
19 I'm done.

20

21 MR. R. WALKER: No, Mr. Chair, I think
22 I am done, too. I mean I can give you all the
23 information I have because it's also on this pamphlet
24 that is being passed out right here so it is for the
25 general public, not only for the Board or the RACs.

26

27 CHAIRMAN TOWARAK: Jennifer, did you
28 have a comment.

29

30 MS. YUHAS: Thank you, Mr. Chairman.
31 Jennifer Yuhas, State of Alaska.

32

33 I just wanted to note for the record
34 and for the Board, that Rita St. Louis with the
35 Department of Fish and Game, who is the planner, who
36 has been working with this group is present to support
37 the group and available for extra detailed questions
38 and she noted a few that came up from the RAC members
39 that she'd like to address.

40

41 CHAIRMAN TOWARAK: Any further
42 discussion.

43

44 (No comments)

45

46 CHAIRMAN TOWARAK: The floor is open
47 for action then by the Board on the release of the wood
48 bison herd.

49

50 (No comments)

1 CHAIRMAN TOWARAK: Did you have some
2 questions with regard to the process here?

3
4 MS. ST. LOUIS: For the record this is
5 Rita St. Louis. I have no questions for the process. I
6 have a couple of details that might answer a couple of
7 questions that people had, if they're interested.

8
9 CHAIRMAN TOWARAK: Sure.

10
11 MS. ST. LOUIS: Okay, this is very
12 short. In terms of moose and bison living together.
13 One of the most successful moose herds in the state is
14 the moose herd that lives right around the Delta Bison
15 Herd so they do interact very successfully.

16
17 With respect to wood bison, plains
18 bison -- wood bison mixing up and so forth, those
19 answers have not been nailed down completely. What I
20 can tell you is in Canada, which we've drawn a lot of
21 their information, they have these, I think they're
22 called zero tolerant zones, or zero something zones,
23 where if bison from any group crosses that zone they
24 get popped off or moved or something like that. So
25 there are mechanisms in place to prevent that if you
26 want to.

27
28 One thing when they talked about all
29 the people giving money to the group, that's really
30 true and it's wonderful. I'd like to acknowledge two
31 other groups. One is Alaska Wildlife Conservation
32 Center, they've housed these bison for years and years
33 and every single -- they're the ones who feed them and
34 house them and keep them healthy and without them this
35 would never work.

36
37 And then on a -- I shouldn't say a
38 smaller basis, I should say a different basis, Little
39 Shageluk, you know, Post Office Box holders of 40 or
40 something like that, every able-bodied man in that
41 village came out to build a fence. And it gives me
42 goosebumps that the cooperation and involvement that
43 people have had and I really wanted to acknowledge
44 them. It isn't just big cash money that counts, it's
45 the individuals that count.

46
47 The other thing about Federal
48 Subsistence Board and C&T and so forth. If you look at
49 Goal 5 Objective 7 the team really wanted to delay any
50 State or Federal C&T findings because one of the things

1 the team talked about is they don't want a straight
2 lottery model and they don't want -- the Seward
3 Peninsula muskox were cited as a model they don't want
4 either. The team feels that it can come up with a
5 better model that doesn't involve either government
6 right now and so that's why they put that in there.

7

8 That's all I have to say for now.

9

10 Thank you.

11

12 CHAIRMAN TOWARAK: Thank you for that
13 information.

14

15 Are there any further questions.

16

17 Go ahead.

18

19 MR. KAHKLEN: Usually the Federal
20 Subsistence Board asks -- or follows RAC
21 recommendations, so is there a real need for the
22 Federal Subsistence Board to endorse this now?

23

24 MR. MCKEE: Well, our feeling is, yes,
25 just because of the -- like I said the time sensitive
26 nature of the release and the fact that the RACs aren't
27 going to be meeting until, you know, very close to the
28 time when the release would be happening and get that
29 information back so that's one of our major concerns is
30 to have that endorsement by the Board so that everybody
31 knows going forward from the initial phase of the
32 operation that we do have support from the Federal
33 Board.

34

35 Obviously, like I said, the management
36 plan is another issue, but the initial release, since
37 that's the most pressing matter we want to make sure
38 that there's support across both State and Federal
39 lines that this is a project that everybody wants to
40 see move forward. The Board of Game's going to be
41 meeting and they're going to have the presentation
42 about this plan as well, I believe, at their meeting in
43 February -- the middle of February so they're going to
44 get to see this as well. But, again, it's a time
45 crunch so we are coming up on the initial release and
46 we want to be able to move forward with a clear path.

47

48 MR. R. WALKER: And also.....

49

50 CHAIRMAN TOWARAK: Go ahead.

1 MR. R. WALKER: Oh, excuse me, Mr.
2 Chair. The WIRAC, Western Interior Regional Advisory
3 Council is going to be meet in March 3rd and 4th in
4 Fairbanks so, I mean, the time difference would be a
5 little bit different here so we wouldn't have a chance
6 to get back to you after that.

7
8 Thank you, Mr. Chair.

9
10 CHAIRMAN TOWARAK: Gene.

11
12 MR. PELTOLA: Yeah, Mr. Chair. That's
13 one of the reasons why I asked the question earlier,
14 because if you look at, although a management plan is
15 not necessarily regulatory in nature, this body has not
16 acted upon management plans traditionally without input
17 of the RAC prior to. One of the most recent Staff
18 thought of would be, the YK Delta Moose Management
19 Plan, which affected areas similar to where the chosen
20 release site is for this eventual herd, that plan was
21 vetted through the RAC system then brought forward to
22 the Board itself for consideration. And that's one of
23 the reasons why I asked whether they're looking for
24 endorsement of a management plan or action -- what
25 they're looking at.

26
27 So with action not necessarily
28 regulatory but we had some procedural concerns, if
29 there was going to be -- if the Board was going to be
30 asked to endorse the plan itself.

31
32 CHAIRMAN TOWARAK: Greg.

33
34 MR. ROCZICKA: Yeah, through the Chair.
35 Mr. Kahklen.

36
37 MR. KAHKLEN: Close enough.

38
39 MR. ROCZICKA: Perhaps to address that
40 you could make a motion to that effect that pending the
41 approval of the RACs, just given the time process and
42 the meeting process. You guys are here and pending the
43 approval of the two affected RACs that the Board would
44 express its approval as well, or make a motion to defer
45 to the RACs.

46
47 CHAIRMAN TOWARAK: Robert, did you have
48 another comment.

49
50 MR. R. WALKER: Yes, thank you, Mr.

1 Chairman. It's from Jack Reakoff, our Chairman of the
2 Board, this issue years ago, we have a written letter
3 of support for this program here so there is a letter
4 to the Board of Game, the Federal Board of Game from
5 the Western Interior RAC for their records.

6

7 CHAIRMAN TOWARAK: Greg, did you have
8 something else.

9

10 MR. ROCZICKA: I was going to say
11 delegate that authority to the RACs if you have the
12 ability to do that or give your conceptual approval at
13 some level and then RAC deference option that you may
14 have.

15

16 CHAIRMAN TOWARAK: And I think our
17 Staff agrees that we can put the proviso -- go ahead.

18

19 MR. FOX: Yes, thank you, Mr. Chair.
20 Just to reiterate the make up of this workgroup is
21 pretty impressive and the product they put out, I
22 conferred with Mr. Haskett yesterday and we are
23 supportive of the reintroduction effort. Looking at
24 the make up of the Board, you know, we have Fish and
25 Wildlife Service representatives, both from Innoko
26 National Wildlife Refuge and from the regional Refuge
27 Staff, so as far as the effort we are supportive.

28

29 Thank you.

30

31 CHAIRMAN TOWARAK: Any further
32 discussion.

33

34 (No comments)

35

36 CHAIRMAN TOWARAK: The floor is open
37 for action.

38

39 MR. C. BROWER: Mr. Chair, just a
40 question.

41

42 CHAIRMAN TOWARAK: Yes.

43

44 MR. C. BROWER: If this motion is to be
45 made, is it directing the RAC that we approve of the
46 transport of 40-100 bison as starting date in March or
47 would it be just a straight out motion.

48

49 MR. PELTOLA: Mr. Chair. From what I
50 understand, they're looking for more or less

1 concurrence for the introduction at the selected
2 release site which happens to be either State lands or
3 corporation lands, which may fall under State purview,
4 so if a motion was to be entertained you could probably
5 structure it that the Board is in concurrence with the
6 wood bison introduction as proposed, and leave it at
7 that. And if you wanted to put a disclaimer on there
8 pending the concurrence of the Western and/or Yukon
9 Delta RACs, you could probably add that disclaimer to
10 it. But if you try to be too specific, it may go
11 beyond the intent like Board member Brower's referring
12 to, if we put numbers on it, it may not be exactly what
13 the group is looking for.

14

15 CHAIRMAN TOWARAK: So we could pass a
16 motion and end up with maybe.

17

18 (Laughter)

19

20 CHAIRMAN TOWARAK: No, in answer to
21 your question Mr. Brower, I think if we put a provision
22 that we would like for the RACs to review the proposal
23 at their convenience, that based on that that we would
24 give our concurrence.

25

26 Go ahead, Mr. Walker.

27

28 MR. R. WALKER; Thank you, Mr. Chair.
29 If I would recommend to the Board that if the Federal
30 Board would make a motion to recognize the Alaska Wood
31 Bison Management Plan in some sort of way that it would
32 indicate no numbers but it would indicated that we have
33 a plan here, to endorse it, to insure that this program
34 is going to work, not only for the four villages, but
35 for the other users in the area, so in that sort of a
36 direction, Mr. Chairman.

37

38 Thank you.

39

40 CHAIRMAN TOWARAK: Go ahead.

41

42 MR. FOX: Thank you, Mr. Chair.

43

44 I guess regarding the, you know,
45 management plan itself, it seems to still be in draft
46 form, so I would be a little reluctant to put support
47 to the plan itself at this point, but as far as the
48 reintroduction effort, I could see more support to
49 endorse the release.

50

1 MR. R. WALKER: Yes, Mr. Chairman, I
2 think we just -- we just talked, Chris, for the
3 release, the management plan would come later.
4
5 Thank you.
6
7 CHAIRMAN TOWARAK: With the provision
8 that the RACs will also review it.
9
10 Mr. Cribley.
11
12 MR. CRIBLEY: Mr. Chairman, I'd like to
13 make a motion.
14
15 CHAIRMAN TOWARAK: The floor is open.
16
17 MR. CRIBLEY: I'd like to make a motion
18 for the Federal Subsistence Board to support the
19 reintroduction of the wood bison at this time, and also
20 add to that that we ask the two affected RACs to review
21 and comment on the management plan and report back to
22 the Board.
23
24 MR. C. BROWER: Second.
25
26 CHAIRMAN TOWARAK: You heard the motion
27 and the second, any further discussion.
28
29 MR. C. BROWER: Just one, Mr. Chairman.
30
31 I know there's some stipulations being
32 put -- to be looked into by the RAC, but they also have
33 a deadline of March for transport, will that alter
34 anything.
35
36 MR. MCKEE: No.
37
38 MR. C. BROWER: No, okay, thank you.
39
40 CHAIRMAN TOWARAK: Further questions.
41
42 (No comments)
43
44 CHAIRMAN TOWARAK: Any further
45 discussion.
46
47 OPERATOR: We do have a comment over
48 the phone. Our comment is from Jack Reakoff, your line
49 is open.
50

1 CHAIRMAN TOWARAK: Okay, if it's from
2 Mr. Reakoff we will allow it, there's a motion on the
3 floor but we will accept his comments.

4
5 MR. REAKOFF: Mr. Chair. My mic wasn't
6 open when you were discussing with the -- so Western
7 Interior has already endorsed this and voted to endorse
8 release of wood bison in the Shageluk area when this
9 was inception. And so the Board, passing this motion
10 to endorse that release and then at our March meeting
11 the Western Interior Regional Council can review the
12 management plan, vote it up or down and then report
13 back to you as the motion states. So I just wanted to
14 state that for the record.

15
16 Thank you.

17
18 CHAIRMAN TOWARAK: Thank you, Mr.
19 Reakoff.

20
21 Further discussion.

22
23 (No comments)

24
25 MR. CHRISTIANSON: Question.

26
27 CHAIRMAN TOWARAK: All those in favor
28 of the motion say aye.

29
30 IN UNISON: Aye.

31
32 CHAIRMAN TOWARAK: Any opposed say nay.

33
34 (No opposing votes)

35
36 CHAIRMAN TOWARAK: Motion passes
37 unanimously.

38
39 MR. R. WALKER: Thank you, Mr. Chair.

40
41 CHAIRMAN TOWARAK: Thank you for your
42 intensive report. It turned out very interesting.

43
44 (Laughter)

45
46 CHAIRMAN TOWARAK: It reminds me of a
47 story that when they introduced -- not to diverse --
48 but when the University of Alaska-Fairbanks was
49 planning on moving their muskox herd from Fairbanks to
50 Unalakleet, my home town, they wanted a mile square

1 area and of course the majority of the people in
2 Unalakleet started asking him what do muskox taste like
3 and his intention of moving the muskox to Unalakleet
4 was for the fur, not for the meat, and it -- in his
5 mind he couldn't think about eating muskox so he
6 decided his answer, any time anybody asked what a
7 muskox tasted like, he said they taste like
8 Presbyterians.

9

10 (Laughter)

11

12 CHAIRMAN TOWARAK: With that, let's --
13 we've only got one more item to -- and it's almost
14 noon, if we could get the ETJ Staff up here we will get
15 an update on extraterritorial jurisdiction.

16

17 MR. OWEN: Thank you, Mr. Chair. For
18 the record my name is Wayne Owen. I am the Forest
19 Service, Alaska Region Director of Wildlife, Fisheries
20 and Subsistence Programs. And before I begin my
21 comments about -- or my update on the extra territorial
22 jurisdiction process I'd like to say that the Forest
23 Service takes great pride in our part in promoting the
24 wood bison recovery through special use permits to use
25 to Chugach National Forest to grow wood bison, so we're
26 all about that bison, we're on that team.

27

28 I'll try to be brief with my comments
29 to the Board.

30

31 You all, I believe, have our briefing
32 paper on the subject. I would just like to highlight a
33 few particular things.

34

35 The Forest Service has been working
36 hand in hand with the State of Alaska to prepare a role
37 of regulatory proposals that are now before the Board
38 of Fish which will be -- decisions will be had on those
39 at the end of February and in early March. So for that
40 part of the process, the two-pronged process, we don't
41 have a lot of information now. But we do have a number
42 of updates on Forest Service actions to promote
43 community stability within Angoon.

44

45 One. And I'll try to go through these
46 quickly.

47

48 Of most interest, probably to the
49 Board, or at least we've heard about this most often,
50 is the Kanalku fish passage process that we implemented

1 with the Alaska Department of Fish and Game last year
2 basically creating a pool at the entrance to the falls
3 above Kanalku Lake. That process was very successful.
4 You know they had to sort of jigger around with it a
5 little bit, they blew up some rocks, they had to go in
6 and dive and clean that out but observations of the
7 location indicated that salmon were, in fact, making it
8 successfully up that hazardous entry into Kanalku Lake
9 with the addition of the extra deep plunge pool.

10

11 We couldn't have done that without the
12 State and without the help of the Angoon field crew
13 that the Forest Service runs with people from Angoon,
14 you know, every year so that was a great success. We
15 continue to monitor that, we expect there will be some
16 fill in after the winter, stuff falling down from that.
17 It should be easy enough to clear out.

18

19 I will point out, because questions
20 have come to me that if, for some reason in the future,
21 that plunge pool does not serve to sustainably provide
22 an opportunity for the fish to climb the falls, the
23 environment assessment that we did for that provides a
24 second alternative, or a second step, you know, to
25 build a containment basin around the bottom of the
26 falls to sort of build up the water depth. You know,
27 that would be another way to get the water deeper so
28 the fish could have a better run at the falls.

29

30 The Forest Service recently signed the
31 draft environmental impact statement for the Angoon
32 airport. Public comment on that action is open until
33 March 11th and we are having public meetings on the
34 Angoon airport in Angoon on March 3rd and in Juneau on
35 March 5th.

36

37 We also have moved forward on the
38 Thayer Hydro Electric project for the community of
39 Angoon. You know, Kootznoowoo Incorporated have
40 acquired funding from the United States Department of
41 Energy and from the State of Alaska to do engineering
42 and design work and the Forest Service has issued
43 special use permits for the project and is currently
44 conducting geo-technical studies for the proposed area
45 for lay out of roads and that sort of infrastructure
46 sort of stuff.

47

48 And, finally, for us the Forest Service
49 with assistance from our Washington office and the
50 Alaska Regional office funded a community development

1 project in Angoon last year, a community garden to help
2 support the people of Angoon to provide for their food
3 needs. Most of the folks here understand how expensive
4 fresh vegetable matter can be in rural communities and
5 I've just recently seen pictures from last year of kids
6 harvesting vegetables and potatoes with great big
7 smiles on their face, sitting on wagons full of
8 vegetables.

9

10 So the Forest Service is feeling pretty
11 good about how we've been able to accelerate our
12 contribution to economic development in Angoon. We are
13 feeling very confident, you know, in our relationship
14 with the State is moving forward. Of course we don't
15 have anything to say about what the Board of Fish might
16 do, we will have a presence at that meeting to answer
17 questions and address issues as they come up to
18 advocate as I'm sure other interests will be.

19

20 And before I finish my testimony to you
21 and open for questions, I'd like to give my colleague
22 Jennifer Yuhas an opportunity to say what she might
23 want to say about the State's actions.

24

25 MS. YUHAS: Thank you, Mr. Chairman.
26 Jennifer Yuhas for the State of Alaska.

27

28 And as Wayne said, we have been working
29 very closely together over the years with this. This
30 process for this Board commenced three springs ago at
31 the end of March with your meeting with the Southeast
32 RAC, and we're coming up on the conclusion of that
33 three year process with the Board of Fish meeting
34 happening in Sitka from February 23rd to March 3rd,
35 kind of the biggest milestone in that three year
36 process.

37

38 So there are eight proposals before the
39 Board dealing with various aspects of the fishery in
40 Angoon, some with new gear types, some with defining
41 boundaries, one for community harvester, the Department
42 put in two proposals codifying actions for closing the
43 commercial fishery that have been taken by the manager,
44 rather than having them in regulation and we'll see
45 what happens at that February Board of Fish meeting.
46 We've met with the Southeast RAC to discuss those
47 proposals and participated in the -- through the Chair,
48 I'm not sure Mr. Bangs, was that a subcommittee that we
49 had formed, we had a couple breakout sessions at your
50 RAC meeting.

1 MR. BANGS: Ms. Yuhas, through the
2 Chair, it was a workgroup.

3
4 MS. YUHAS: Workgroup. But we
5 discussed those proposals in entirety at the Southeast
6 RAC meeting and will continue to shepherd through the
7 process to see what happens at the Board of Fish.

8
9 Timeline.

10
11 You're getting this briefing now, we
12 have to wait and see what happens at the Board of Fish
13 meeting. After that the Southeast RAC will meet
14 shortly after the Board of Fish and then we fully
15 anticipate this Board having another meeting, probably
16 at your determination for timeline by April/May to
17 receive a full report of what happened at the Board of
18 Fish, how satisfied are the people of Angoon and what
19 is the opinion of the RAC.

20
21 With that I'm open to any further
22 questions, Mr. Chairman.

23
24 CHAIRMAN TOWARAK: Thank you. Are
25 there any questions.

26
27 (No comments)

28
29 CHAIRMAN TOWARAK: Just out of
30 curiosity, I assume with your -- the pleasure of the
31 Forest Service reflects also the local Angoon feelings,
32 that they're satisfied with the progress that has been
33 made between the Federal and the State organizations.

34
35 MR. OWEN: Mr. Chair. I would
36 characterize the community of Angoon's pleasure right
37 now as watchful.

38
39 MS. YUHAS: I would not want to speak
40 for the community and -- and -- and do that, but I can
41 say we've remained in contact. You know that we've --
42 we've made -- I don't want to call it outreach efforts
43 because it's really more relationship building but I've
44 remained in contact with folks in the community to say,
45 you know, what do you think, what are you seeing, what
46 are you hearing, what do you need before the upcoming
47 meeting and my recent contacts have said, you know, not
48 much yet, let's see what happens at the Board of Fish
49 meeting but we've kept in contact and continued those
50 relationships.

1 CHAIRMAN TOWARAK: Okay. I'd like to
2 ask the RAC to keep us informed of whatever you could
3 find out through your Regional Advisory Council
4 meetings to their response to the ETJ process.

5
6 MR. BANGS: Yes, Mr. Chair. I plan on
7 being there at the Board of Fish meeting prior to our
8 meeting and then I'm sure that there will be a lengthy
9 discussion of the outcome from the Board meeting and
10 we'll hear from the parties involved and the progress.

11
12 CHAIRMAN TOWARAK: Thank you. And I do
13 have one other question. I noticed on the summary and
14 the key points, on the very last one, the very bottom
15 deliberation and final confidential recommendations.
16 Is there a particular reason for it being confidential?

17
18 MR. OWEN: Yes, Mr. Chairman. The
19 original recommendation as to how to proceed on the
20 petition to the Secretaries was confidential and it's
21 my understanding, it's our understanding that this
22 follow up recommendation about the final resolution
23 would also be officially confidential.

24
25 CHAIRMAN TOWARAK: Okay.

26
27 MR. OWEN: I should -- if it pleases
28 the Chair, I should also note that Kootznoowoo
29 Incorporated has had a change in leadership over the
30 winter since we met last. I was honored to meet Sharon
31 Love, who is now the general manager of the
32 corporation, a couple of weeks ago to talk to her
33 specifically about Kootznoowoo's position or whether
34 Kootznoowoo's position had changed and her response to
35 me was that they were still studying their files and
36 she asked me to provide some information and documents
37 and stuff for that and I had -- we have not -- the
38 Forest Service has not received an official opinion
39 from Kootznoowoo but Ms. Love was very thoughtful and
40 had a number of questions for me and I think they're
41 still formulating how the new corporation structure,
42 organizational structure feels about it.

43
44 CHAIRMAN TOWARAK: Thank you. Are there
45 any further questions.

46
47 (No comments)

48
49 CHAIRMAN TOWARAK: Thank you very much
50 for your presentation, your update.

1 MR. OWEN: A pleasure. I'm sorry we
2 couldn't go a lot longer.

3
4 CHAIRMAN TOWARAK: We saved the best
5 for the last.

6
7 (Laughter)

8
9 CHAIRMAN TOWARAK: That concludes the
10 -- I'm sorry, go ahead -- I was going to say that
11 concludes the briefings to the Board. The next item on
12 the agenda is the schedule of future Federal
13 Subsistence Board meetings.

14
15 Gene.

16
17 MR. PELTOLA: And, Mr. Chair, under
18 this agenda item we look at the work that will need to
19 come before the Board here in the near future. We have
20 a recommendation for two different time periods, one of
21 those being a late June, early July sometime timeframe
22 this summer to address rural/nonrural issues that may
23 come about, in addition to another timeframe would be a
24 meeting -- first off we'd recommend that June/July be a
25 work session, and then also we need to try to get the
26 Board to try to address a meeting concerning wildlife
27 proposals in addition to any fisheries special action
28 requests the Program may receive and we'd recommend the
29 April timeframe for those of -- sorry about that, of
30 '16.

31
32 MR. C. BROWER: August?

33
34 MR. PELTOLA: April. So let me
35 summarize again, sorry about that.

36
37 A meeting to address the rural/nonrural
38 issues for June/July of '15.

39
40 Then a meeting to address the wildlife
41 proposals April of '16.

42
43 CHAIRMAN TOWARAK: And I assume the
44 meetings would be here in Anchorage.

45
46 MR. PELTOLA: That is at the will of
47 the Board.

48
49 MR. C. BROWER: Mr. Chair.

50

1 CHAIRMAN TOWARAK: Go ahead.
2
3 MR. C. BROWER: Just a question. Would
4 it be appropriate to name a place in the village for
5 the Federal Subsistence Board meeting or would that
6 cost too much or is it just the wish of the Board to
7 have it anywhere they want.
8
9 MR. PELTOLA: I'm sorry about that, I
10 was taking notes here and talking to a Staff member,
11 could you please repeat that Charlie -- you desire to
12 meet elsewhere.
13
14 MR. C. BROWER: Yes.
15
16 MR. PELTOLA: Any time the Board meets
17 there's economic considerations but if the Board
18 chooses to meet somewhere else we'll do everything
19 within our ability to accommodate that desire.
20
21 CHAIRMAN TOWARAK: What's the wishes of
22 the Board. Do you want to take a five minute break so
23 we can get together.....
24
25 MR. C. BROWER: No, no, no.
26
27 (Laughter)
28
29 CHAIRMAN TOWARAK:and discuss a
30 location, or the location will be here in Anchorage
31 otherwise.
32
33 MR. C. BROWER: Yeah, that's fine.
34
35 CHAIRMAN TOWARAK: Okay, so the Staff
36 are recommending a work session on June 16th with a
37 Board meeting on April 16th.
38
39 MR. PELTOLA: Actually, Mr. Chair,
40 towards the end of June, early July for this summer of
41 2015 to address rural/nonrural issues. We anticipate
42 that that would be a one, possibly two days at the very
43 most, we're looking at probably a one day meeting, a
44 work session.
45
46 And then the April 2016 to address
47 wildlife proposals would be a three to four day
48 meeting.
49
50 CHAIRMAN TOWARAK: And remember that's

1 April 2016, a year from -- and three months from now.
2
3 (Pause)
4
5 MR. CHRISTIANSON: So moved.
6
7 CHAIRMAN TOWARAK: Go ahead, Mr.
8 Christianson.
9
10 MR. CHRISTIANSON: No, I said so moved.
11
12 CHAIRMAN TOWARAK: Okay, so the motion
13 of the -- for the clarity of everyone, the motion is to
14 have a work session toward the end of June to discuss
15 rural issues or rural/nonrural issues and then schedule
16 a Board meeting of April 2016 to address wildlife
17 proposals.
18
19 There's a potential of needing a
20 January meeting.
21
22 So I'm going to take a recess for five
23 minutes while the Staff gets the information for us.
24
25 (Pause)
26
27 CHAIRMAN TOWARAK: We have a game plan
28 and I'll ask Gene to explain what the options are for
29 the Board for our work session and the next few
30 meetings.
31
32 MR. CHRISTIANSON: Mr. Chair -- through
33 the Chair. I did make a motion and I did not receive a
34 second so maybe I'll clarify the motion. I did speak
35 with Gene there to get an established timeline.
36
37 CHAIRMAN TOWARAK: Okay, maybe it'd be
38 easier for me to declare that -- since there was no
39 second to your motion, your motion died.
40
41 MR. CHRISTIANSON: That'll be fine.
42
43 CHAIRMAN TOWARAK: So the floor is open
44 for another motion.
45
46 MR. CHRISTIANSON: Okay. I will make
47 another motion to schedule the next meeting, June/July
48 of 2015 to do a work session, rural/nonrural and ETJ;
49 January 16 FRMP; and in April '16 a wildlife proposal
50 meeting to direct Staff to schedule time and place for

1 those meetings.
2
3 MR. HARD: Second.
4
5 CHAIRMAN TOWARAK: You heard the motion
6 and the second, any discussions or questions.
7
8 MR. C. BROWER: Question.
9
10 CHAIRMAN TOWARAK: Question's been
11 called for, all those in favor of the motion say aye.
12
13 IN UNISON: Aye.
14
15 CHAIRMAN TOWARAK: Any opposed say nay.
16
17 (No opposing votes)
18
19 CHAIRMAN TOWARAK: Motion passes. We
20 have a request for the Board before we adjourn, or
21 after we adjourn to have a picture taken with the
22 students and I think we'll do it in front of that
23 Federal sign over here so is there any other business
24 that needs to be brought up.
25
26 (No comments)
27
28 CHAIRMAN TOWARAK: Not hearing any the
29 floor is open for adjournment.
30
31 MR. CHRISTIANSON: Motion to adjourn.
32
33 CHAIRMAN TOWARAK: You heard the motion
34 and.....
35
36 MR. CRIBLEY: Second.
37
38 MS. PENDLETON: Second.
39
40 CHAIRMAN TOWARAK:seconded by Mr.
41 Cribley -- oh -- all those in favor of the motion say
42 aye.
43
44 IN UNISON: Aye.
45
46 CHAIRMAN TOWARAK: Any opposed say nay.
47
48 (No opposing votes)
49
50 CHAIRMAN TOWARAK: Motion passes.

1 Thank you very much for all of your patience with the
2 process.

3

4 (Off record)

5

6 (END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 230 through 312 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING taken electronically by our firm on the 23rd day of January 2015, in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 31st day of January 2015.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18